

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**OCTOBER 16, 2000**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, October 16, 2000, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Lisa Davis Cook  
Randal Giannetto  
Darrell Hanson  
Rozanne King  
Kathryn Murphy, Vice-Chair  
Terrance Townsend, Chair  
Rita Venner, Secretary

### MEMBERS ABSENT

Gary Priebe

Gary Priebe was unable to attend due to a business conflict.

### ADOPTION OF AGENDA

*Motion was made by Rita Venner to approve the agenda as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

Lisa Davis Cook asked to have the minutes changed to reflect that she had been present at the September 18, 2000 meeting.

*Motion was made by Kathryn Murphy to approve the minutes as amended. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS AMENDED**

### DIRECTOR'S REPORT

Interim Director Lyle Asell said he has been working on budget and legislation issues for the upcoming session, which has taken much of his time this month. He said the Governor had

announced that he had interviewed a candidate for the position of Director of the Iowa Department of Natural Resources. The selection is pending due to some issues with current employment, and that we should hear something in a month to six weeks.

### **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Below is the operations' FY 00 final financial status report by division. The Department reverted a total of \$1.25 in general fund money from its 5 divisional appropriations and \$52,532 in general funds from its park officer retirement appropriation. In addition, the fish and wildlife appropriation ended the year with a \$49,724 balance, which reverted back to the fish and wildlife trust fund.

**Iowa Department Of Natural Resources  
Financial Status Report  
FINAL FY 00**

<b>TOTAL DEPARTMENT THROUGH JUNE 30, 2000 --FINAL</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>			
General Fund	\$17,068,223	\$17,068,222	\$1
Park Officer Retirements	\$200,000	\$147,468	\$52,532
Federal	\$13,086,089	\$11,377,638	\$1,708,451
Administration Fund	\$395,000	\$498,201	(\$103,201)
Conservation Fund	\$4,381,311	\$4,612,256	(\$230,945)
Other Funds	\$12,373,967	\$10,738,677	\$1,635,290
Groundwater Fund	\$3,376,941	\$3,229,068	\$147,873
Fish and Wildlife Trust Fund	\$24,268,883	\$24,219,159	\$49,724
<b>TOTAL RESOURCES</b>	<b>\$75,150,414</b>	<b>\$71,890,689</b>	<b>\$3,259,725</b>
<b>EXPENDITURES</b>			
Personnel	\$45,055,388	\$43,713,033	\$1,342,355
Extra Help	\$2,960,506	\$3,377,365	(\$416,859)
Support	\$14,797,701	\$14,948,301	(\$150,600)
Contracts	\$9,600,600	\$7,259,700	\$2,340,900
Equipment	\$2,736,219	\$2,592,290	\$143,929
<b>TOTAL EXPENDITURES</b>	<b>\$75,150,414</b>	<b>\$71,890,689</b>	<b>\$3,259,725</b>

<b>ADMINISTRATIVE SERVICES THROUGH JUNE 30, 2000 --FINAL</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>			
General Fund	\$1,545,041	\$1,503,592	\$41,449
Federal	\$623,694	\$594,924	\$28,770

Fish and Wildlife	\$2,007,449	\$1,964,319	\$43,130
Groundwater Fund	\$184,453	\$195,352	(\$10,899)
REAP	\$749,357	\$539,480	\$209,877
Marine Fuel Tax	\$85,592	\$242,707	(\$157,115)
Infrastructure	\$223,594	\$197,858	\$25,736
Other	\$433,012	\$468,441	(\$35,429)
<b>TOTAL RESOURCES</b>	<b>\$5,852,192</b>	<b>\$5,706,673</b>	<b>\$145,519</b>
<b>EXPENDITURES</b>			
Personnel	\$4,269,262	\$4,155,261	\$114,001
Extra Help	\$120,100	\$130,905	(\$10,805)
Support	\$1,225,930	\$1,183,485	\$42,445
Contracts	\$25,000	\$45,284	(\$20,284)
Equipment	\$211,900	\$191,738	\$20,162
<b>TOTAL EXPENDITURES</b>	<b>\$5,852,192</b>	<b>\$5,706,673</b>	<b>\$145,519</b>

<b>DIRECTOR'S OFFICE THROUGH JUNE 30, 2000 --FINAL</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>			
General Fund	\$595,417	\$581,866	\$13,551
Federal	\$491,856	\$517,499	(\$25,643)
Fish and Wildlife	\$367,460	\$411,414	(\$43,954)
Administration Fund	\$395,000	\$498,201	(\$103,201)
Groundwater Fund	\$95,208	\$114,495	(\$19,287)
Other	\$204,236	\$240,850	(\$36,614)
<b>TOTAL RESOURCES</b>	<b>\$2,149,177</b>	<b>\$2,364,325</b>	<b>(\$215,148)</b>
<b>EXPENDITURES</b>			
Personnel	\$1,229,252	\$1,265,863	(\$36,611)
Extra Help	\$68,245	\$109,693	(\$41,448)
Support	\$805,680	\$942,555	(\$136,875)
Contracts	\$0	\$0	\$0
Equipment	\$46,000	\$46,214	(\$214)
<b>TOTAL EXPENDITURES</b>	<b>\$2,149,177</b>	<b>\$2,364,325</b>	<b>(\$215,148)</b>

<b>ENERGY AND GEOLOGY THROUGH JUNE 30, 2000 --FINAL</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>			
General Fund	\$1,938,550	\$1,920,549	\$18,001
Federal	\$2,788,646	\$1,603,824	\$1,184,822
Oil Overcharge	\$297,121	\$206,822	\$90,299
Bonding Programs	\$141,982	\$131,209	\$10,773
Groundwater Fund	\$199,582	\$205,691	(\$6,109)

Other	\$105,093	\$141,482	(\$36,389)
<b>TOTAL RESOURCES</b>	<b>\$5,470,974</b>	<b>\$4,209,577</b>	<b>\$1,261,397</b>
<b>EXPENDITURES</b>			
Personnel	\$3,114,454	\$2,852,306	\$262,148
Extra Help	\$37,000	\$33,682	\$3,318
Support	\$467,653	\$432,303	\$35,350
Contracts	\$1,718,450	\$776,840	\$941,610
Equipment	\$133,417	\$114,446	\$18,971
<b>TOTAL EXPENDITURES</b>	<b>\$5,470,974</b>	<b>\$4,209,577</b>	<b>\$1,261,397</b>

ENVIRONMENTAL PROTECTION THROUGH JUNE 30, 2000 --FINAL	FY 00 BUDGET	FY 00 ACTUAL	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>			
General Fund	\$4,989,784	\$4,997,784	(\$8,000)
Federal	\$8,512,544	\$7,923,368	\$589,176
Air Contaminant Fees	\$6,405,219	\$5,412,781	\$992,438
Groundwater Fund	\$1,321,974	\$1,270,147	\$51,827
Hazardous Waste Remedial Fund	\$311,296	\$306,638	\$4,658
Water Protection Fund	\$1,197,382	\$889,649	\$307,733
Operator Certification Fees	\$80,997	\$47,988	\$33,009
LUST Insurance Fund	\$75,000	\$75,000	\$0
Land Recycling Fund	\$120,000	\$82,567	\$37,433
Manure Certification Program	\$50,000	\$95,357	(\$45,357)
Stormwater Permit Fees	\$492,265	\$306,945	\$185,320
Well Contractor Fees	\$69,207	\$94,276	(\$25,069)
Groundwater Professional Regis.	\$45,998	\$47,810	(\$1,812)
Water Supply Lab. Cert. Fees	\$156,060	\$117,046	\$39,014
Other	\$22,609	\$34,287	(\$11,678)
<b>TOTAL RESOURCES</b>	<b>\$23,850,335</b>	<b>\$21,701,643</b>	<b>\$2,148,692</b>
<b>EXPENDITURES</b>			
Personnel	\$13,181,343	\$12,610,389	\$570,954
Extra Help	\$0	\$0	\$0
Support	\$2,972,765	\$2,536,116	\$436,649
Contracts	\$6,709,395	\$5,630,450	\$1,078,945
Equipment	\$986,832	\$924,688	\$62,144
<b>TOTAL EXPENDITURES</b>	<b>\$23,850,335</b>	<b>\$21,701,643</b>	<b>\$2,148,692</b>

FISH AND WILDLIFE THROUGH JUNE 30, 2000 --FINAL	FY 00 BUDGET	FY 00 ACTUAL	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>			
Fish and Wildlife Trust Fund	\$21,893,974	\$21,843,426	\$50,548
Corps Condition 5 Funds	\$297,790	\$288,182	\$9,608



<b>TOTAL RESOURCES</b>	<b>\$22,191,764</b>	<b>\$22,131,608</b>	<b>\$60,156</b>
<b>EXPENDITURES</b>			
Personnel	\$14,889,445	\$14,764,518	\$124,927
Extra Help	\$880,633	\$932,427	(\$51,794)
Support	\$5,091,524	\$5,298,543	(\$207,019)
Contracts	\$461,667	\$307,008	\$154,659
Equipment	\$868,495	\$829,112	\$39,383
<b>TOTAL EXPENDITURES</b>	<b>\$22,191,764</b>	<b>\$22,131,608</b>	<b>\$60,156</b>

<b>FORESTRY THROUGH JUNE 30, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>			
General Fund	\$1,742,027	\$1,742,027	\$0
Federal	\$460,000	\$585,476	(\$125,476)
Forestry Enhancement Fund	\$251,690	\$252,046	(\$356)
Forestry Receipts	\$932,000	\$966,632	(\$34,632)
Other	\$68,700	\$75,206	(\$6,506)
<b>TOTAL RESOURCES</b>	<b>\$3,454,417</b>	<b>\$3,621,387</b>	<b>(\$166,970)</b>
<b>EXPENDITURES</b>			
Personnel	\$2,319,987	\$2,215,102	\$104,885
Extra Help	\$130,351	\$214,519	(\$84,168)
Support	\$839,696	\$1,123,471	(\$283,775)
Contracts	\$46,000	\$2,912	\$43,088
Equipment	\$118,383	\$65,383	\$53,000
<b>TOTAL EXPENDITURES</b>	<b>\$3,454,417</b>	<b>\$3,621,387</b>	<b>(\$166,970)</b>

<b>PARKS PRESERVES AND RECREATION THROUGH JUNE 30, 2000 –FINAL</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>			
General Fund	\$6,257,404	\$6,322,404	(\$65,000)
Park Officer Retirement	\$200,000	\$147,468	\$52,532
Federal	\$50,000	\$69,372	(\$19,372)
Park Receipts	\$3,449,311	\$3,645,624	(\$196,313)
Infrastructure	\$69,191	\$82,996	(\$13,805)
Other	\$303,039	\$280,370	\$22,669
<b>TOTAL RESOURCES</b>	<b>\$10,328,945</b>	<b>\$10,548,234</b>	<b>(\$219,289)</b>
<b>EXPENDITURES</b>			

Personnel	\$5,162,471	\$5,046,994	\$115,477
Extra Help	\$1,579,202	\$1,817,095	(\$237,893)
Support	\$3,094,565	\$3,152,760	(\$58,195)
Contracts	\$131,265	\$125,870	\$5,395
Equipment	\$361,442	\$405,515	(\$44,073)
<b>TOTAL EXPENDITURES</b>	<b>\$10,328,945</b>	<b>\$10,548,234</b>	<b>(\$219,289)</b>

WASTE MANAGEMENT THROUGH JUNE 30, 2000 --FINAL	FY 00 BUDGET	FY 00 ACTUAL	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>			
Groundwater Fund	\$1,575,724	\$1,443,383	\$132,341
Federal	\$159,349	\$83,175	\$76,174
Waste Volume Reduction Fund	\$61,188	\$24,015	\$37,173
Waste Tire Program	\$56,349	\$56,669	(\$320)
<b>TOTAL RESOURCES</b>	<b>\$1,852,610</b>	<b>\$1,607,242</b>	<b>\$245,368</b>
<b>EXPENDITURES</b>			
Personnel	\$889,174	\$802,600	\$86,574
Extra Help	\$144,975	\$139,044	\$5,931
Support	\$348,388	\$326,510	\$21,878
Contracts	\$460,323	\$323,894	\$136,429
Equipment	\$9,750	\$15,194	(\$5,444)
<b>TOTAL EXPENDITURES</b>	<b>\$1,852,610</b>	<b>\$1,607,242</b>	<b>\$245,368</b>

Linda Hanson reviewed the Fiscal Year 2000 Financial Report. She said that Mark Slatterly, Chief of Budget and Finance, had worked hard to balance the General Fund budget.

Discussion followed regarding extra help, contract employees, and full-time employees.

<b>INFORMATIONAL ONLY</b>
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## REVISED FISCAL YEAR 2002 BUDGET

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item:

The Fiscal Year 2001 Budget has been revised in two areas after the Department's informal budget meeting with the Governor's Office and Department of Management staff. Both revisions pertain to areas requiring the Natural Resource Commission's approval, which the NRC has done. Thus, the budget information presented to you on September 18, 2000 is no longer accurate. Below is a revised copy of our budget submission. The two revisions are as follows:

1. Increase REAP from \$12,500,000 to \$15,000,000
2. Delete Dept. Priority Items #7 and # 9 (7 is the Governor's Symposium on Iowa's protected landscapes at \$65,000; 9 is the planning for the natural areas inventory at \$60,000). Add an item to the "Environment First Fund" labeled "Landforms and Ecosystems" in the amount of \$125,000 (the combination of deleted items #7and #9)

**DEPARTMENT OF NATURAL RESOURCES  
FY 02 APPROPRIATION REQUEST SUMMARY**

<b>APPROPRIATION NAME</b>	<b>FY01 BUDGET</b>	<b>FY02 REQUEST</b>	<b>\$ CHANGE FY01 BUD OVER FY02</b>
<b>GENERAL FUND</b>			
<b><u>APPROPRIATIONS</u></b>			
Department Operations	\$17,842,133	\$18,617,133	\$775,000
Marine Fuel Tax Operations	\$411,311	\$411,311	\$0
Water Quality Protection Fund	\$729,000	\$729,000	\$0
Park Retirements	\$0	\$0	\$0
<b>Total General Fund Appropriation</b>	<b>\$18,982,444</b>	<b>\$19,757,444</b>	<b>\$775,000</b>
<b><u>INFRASTRUCTURE APPROPRIATIONS</u></b>			
Destination Park	\$0	\$2,500,000	\$2,500,000
Camping Electric Upgrade	\$0	\$500,000	\$500,000
Restore the Outdoors	\$3,000,000	\$3,000,000	\$0
Private Land Access Program	\$0	\$1,600,000	\$1,600,000
Elinor Bedell State Park Development	\$50,000	\$0	(\$50,000)
Lake Belva Deer Dam Construction	\$200,000	\$0	(\$200,000)
	<b>\$3,250,000</b>	<b>\$7,600,000</b>	<b>\$4,350,000</b>
<b><u>ENVIRONMENT FIRST FUND</u></b>			
Resource Enhancement and Protection	\$10,500,000	\$15,000,000	\$4,500,000
Marine Fuel Tax Capitals	\$2,300,000	\$2,300,000	\$0
Lake Dredging Program	\$2,900,000	\$2,900,000	\$0
Recreational Grant Matching Program	\$3,000,000	\$3,000,000	\$0
Tree Planting Grants	\$250,000	\$250,000	\$0
Waste Tires	\$500,000	\$500,000	\$0
Water Quality Monitoring	\$1,950,000	\$3,000,000	\$1,050,000
Floodplain Education	\$200,000	\$200,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Program	\$70,000	\$130,000	\$60,000
Water Quality Permit Review	\$250,000	\$250,000	\$0
Landforms and Ecosystems	\$0	\$125,000	\$125,000
Water Quality Planning and Standards	\$372,000	\$0	(\$372,000)
SRF Match Septic Tanks	\$600,000	\$0	(\$600,000)

Lewis and Clark Rural Water Supply	\$60,000	\$0	(\$60,000)
Water Quality TMDL	\$153,000	\$0	(\$153,000)
	\$23,300,000	\$27,850,000	\$4,550,000
<b>NON-GENERAL FUND APPROPRIATIONS</b>			
Fish and Wildlife Operations	\$26,183,240	\$26,383,240	\$200,000
Fish and Wildlife Capitals	\$5,428,000	\$3,137,500	(\$2,290,500)
Tire Fund	\$3,000,000	\$1,500,000	(\$1,500,000)
Groundwater	\$11,839,000	\$11,839,000	\$0
Oil Overcharge	\$600,000	\$430,000	(\$170,000)
UST Administration Match	\$75,000	\$75,000	\$0
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$100,000	\$0
Boat Registration Transfer to Fish & Wildlife	\$1,400,000	\$1,400,000	\$0
<b>Total Non General Fund Appropriations</b>	<b>\$48,625,240</b>	<b>\$44,864,740</b>	<b>(\$3,760,500)</b>

<b>TOTAL</b>	<b>\$94,157,684</b>	<b>\$100,072,184</b>	<b>\$5,914,500</b>
<b>TOTAL DEPARTMENTAL FTE</b>	<b>1050.12</b>	<b>1070.12</b>	<b>20.00</b>
<b>Note: Total Infrastructure</b>	<b>\$26,550,000</b>	<b>\$35,450,000</b>	<b>\$8,900,000</b>

revised 9/22/00

Administration FY 00 Approp. \$17,842,133

**DEPARTMENT OF NATURAL RESOURCES  
FY 02 OPERATIONS BUDGET REQUEST ENHANCEMENT PACKAGES**

Dept	Prior Description	Total	FTE	General Fund	Fish & Wildlife	& Other
1	Provide for the federally required development of a total maximum daily load (TMDL) program to restore impaired waters of the state.	\$1,000,000	5.00	\$500,000	\$0	\$500,000
2	Reduce the time it takes to issue a floodplain permit from 6 months to 1 month and eliminate current permit backlogs.	\$200,000	3.00	\$0	\$0	\$200,000

3	Provide for the establishment of the federally mandated comprehensive planning process (CPP) for water resource management.	\$300,000	3.00	\$0	\$0	\$300,000
4	Provide for planned 2nd year expansion of the private lands initiative program.	\$200,000	2.00	\$0	\$200,000	\$0
5	Provide the state park system with at least one park employee at each park year round.	\$150,000	3.00	\$150,000	\$0	\$0
6	Upgrading inadequate septic systems by promoting the revolving loan fund and providing technical assistance to local boards of health.	\$0	2.00	\$0	\$0	\$0
7	Provide for a volunteer coordinator responsible for the Keepers of the Land volunteer program.	\$0	1.00	\$0	\$0	\$0
8	Utilize alternative dispute resolution to resolve environmental disputes.	\$125,000	1.00	\$125,000	\$0	\$0

Total Enhancement Packages		\$1,975,000	20.00	\$775,000	\$200,000	\$1,000,000
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Linda Hanson asked the Commission to please change the fiscal year on the agenda item to 2002. She said when the Department had originally presented this item to the Commission they had not yet had their informal meeting with the Governor's office staff and the Department of Management. As a result of that meeting the Department has made the above noted changes to the proposed budget. She stated the Natural Resource Commission has approved these changes as of their last meeting but she wanted to bring those changes to the Commission so they would have the revised copy.

Discussion regarding the changes followed.

<b>INFORMATION ONLY</b>
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## PUBLIC PARTICIPATION

**Mayor William Harbor**

Mayor William Harbor, City of Henderson, IA addressed the Commission regarding the petition submitted by the City of Henderson for the amendment of Subrule 567 IAC 111.6(2), relating to financial assurance mechanisms for municipal solid waste landfills. Mayor Harbor said they were not asking for these changes for themselves but for the entire state. He said there are other people with a great deal of interest in this matter because of similar situations that are coming up. The petition states, the Department shall establish a procedure to periodically review the adequacy of the surety bond.

He said they have had concerns for three or four years but have not seen any progress in the development of rules that would address those concerns. He said if the owners of a landfill were to close the facility and walk away, the people of the county would be responsible for funding of the closure, post closure costs. Even if it was determined that the cities who used the landfill to dispose of their waste should share in the responsibility, the county would not be able to collect from the other states that have used the landfill, because there is nothing in the code that says they have to pay.

He said there was such a situation in Dallas county, dealing with a public landfill, that after closing had no money for the 30 year post closure maintenance required. The county taxed the property owners to pay the cost. There is no requirement in the code for a certain amount of money to be put aside per ton from the tipping fees. He stressed that when you close a landfill you do not simply close it and walk away. You have to ensure that this landfill will not leak out or spoil for thirty years.

He said the City of Henderson was concerned because even if the Department were to develop new rules it would take a year to complete the process. The landfill that they were concerned with, which is currently over 50,000 tons, could be well over 100,000 tons in another year, without provisions having been made for post closure.

**Cindy Turkle**

Cindy Turkle from Turkle and Clark in Indianola, Iowa, said currently Iowa has financial assurance rules in place as required by EPA, however, the Department of Natural Resources staff, currently, does not review these plans because they do not have staff that is knowledgeable in this area. This situation has become very eminent for the Mills County area because a private landfill with a history of taking 3800 tons a year has suddenly changed hands and is now taking in 80,000 tons a year or more with more and more coming from out of state.

The DNR policy has been, when a landfill closes and there is not an agency or owner to take care of closure and post closure, they turn to the county first and then to the cities within that county. Because so much solid waste now comes from out of state, those that have been filling up the landfill are not necessarily able to participate in closure and post closure. If the county has to take care of closure and post closure due to the owner being unable to, it is then up to the county to sue the participants that contributed to filling it up which becomes very cumbersome and expensive.

She said even though the Department does not have a staff that is considered experts in this area they could at least be reviewing some of the cost estimates and possibly using expertise from other state agencies to do the review.

Mills County is very concerned about this company that is turning into a mega landfill using a surety bond as their financial assurance. A surety bond is similar to an insurance policy on your car, if the premium is not paid they cancel the bond. She said even though the rules provide for cancellation requirements with provisions that the bonding company is required to notify the DNR and the DNR then requires the owner to find something else, this takes time, and in that time it is very possible for the owner to walk away from the site.

She said Mills County is requesting is that there be tightening of the rules as fast as possible so that the owner of this mega landfill is not allowed to walk away and leave it to the county. They would like the rules to require a surety bond be attached with a trust fund that cannot be touched even if owner sells the landfill to another company or goes bankrupt. This would ensure that money is dedicated to that landfill for closure and post closure.

**Don Brantz,**

Don Brantz, Chairman, Mills County Landfill Association, said he spoke with a representative from Douglas County in Omaha and learned that their landfills put aside three dollars a ton for the closure post closure costs. Their trust fund is now in excess of \$9,000,000 for a 120-acre site. In contrast the Mills County site started as 57-acres with an additional purchase of 117-acres.

He said the Commission had heard in previous testimony about where the garbage is coming from and the fact that the State of Iowa or anyone else cannot block the transporting of waste coming across state lines. However the DNR has set up service area plans for planning purposes and the owner of this landfill has totally disregarded the DNR rules and has taken waste from outside more than one planning area.

He said that he and Mayor Harbor went to the landfill and got copies of the surety bond and sent it to the Department of Natural Resources for their expertise and help, they found later that the DNR did not review those documents. They were further frustrated when after they sent information to the DNR that they allowed a permit to be given.

Cindy Turkle said that in the handout given to the Commission by the DNR staff it says the Department must also determine what liability may or may not exist for the Department, should their results be erroneous when the staff reviews closure post closure cost. She believes any review is better than no review right now, landfills and solid waste are dynamic, things are always changing, which is why there is an annual review required for the cost estimates.

Darrell Hanson said on page two of the Department's response the staff has said that they agree that a rule revision is appropriate but felt that a wider change, as opposed to just the phrase recommended by the petition, would be preferable.

Cindy Turkle said there are a lot of aspects in the solid waste rules that need to be updated, some dating back to the 70's. However they feel they are dealing with an eminent situation right now and the surety bond issue needs to be reviewed. She said she has been working with the staff for over three years and it would be nice to have all of the rules done but the problem is that the bureaucracy wheels turn very slowly and it appears that we are talking about another year. In that year's time this company could fill that landfill up, at 100,000 tons a year it fills up very fast, and walk away from it.

Darrell Hanson asked, if a landfill is permitted under a certain bond amount and it is later determined that a larger bond is needed, does the landfill have any legal standing to say no.

Cindy Turkle answered there is a provision in the permit, which says the landfill must be in compliance with all current and future regulations. She said this landfill currently has a bond for \$126,000.00.

Darrell Hanson said it sounded like no one was disagreeing that the language in the rules needed to be changed but the question was whether it was better to adopt the change now or wait and have it be part of the total revision of the chapter. He asked what the time difference between the two options and what are the disadvantages of doing the one change prior to the revision of the rest of the chapter.

Liz Christiansen said she had not been through the rule making process before so she is unsure about the time difference, however the Department recognizes the concern and they do intend to take it through the rule making process, which allows for public comment and a full investigation of all of the issues. She said her guess was that this process would take about a year or less. However, she said, it is important to allow for public input because this would affect every landfill in the state.

Discussion followed regarding the rule making process.

Liz Christiansen said Executive Order #8 requires the Department to review all administrative rules and revise those that are necessary. DNR will be making minor revision to fifteen different rules and major revision of twelve different rules and they are in the process of developing an actual plan to revise these rules. They then plan to give a couple of these rules priority, #118 White Goods as well as #121 Land Application and certainly #111 Financial Assurance. However, we do need to allow for adequate investigation and public input. She said she realized that the State of Iowa is limited in the number of private landfills and it is her hope that publicly owned landfills have been doing an adequate job in accumulating their closure post closure funds. Through this rules revision, the Department would like to adequately and thoroughly investigate all aspects of it. She said it is important to find out what the Departments liability would be in these cases before any changes are made.

Discussion followed regarding the specifics of the current rule and the proposed changes.



**PETITION FOR RULEMAKING – MAYOR WILLIAM H. HARBOR, CITY OF HENDERSON**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the Proposed Temporary Denial of Petition, for the reasons stated therein. A copy of the Petition for Rulemaking, and attachments, are also included.

**BEFORE THE  
IOWA DEPARTMENT OF NATURAL RESOURCES**

<b>Petition by the City of Henderson,</b>  <b>For the Amendment of Subrule 567 IAC 111.6(2), relating to financial assurance mechanisms for municipal solid waste landfills.</b>	<b>PROPOSED TEMPORARY DENIAL OF PETITION</b>
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Mayor William H. Harbor, of the City of Henderson has requested that the Commission adopt a new subrule requiring the department to periodically review the adequacy of surety bonds maintained by a municipal solid waste landfill for the purpose of funding closure, post-closure, and remedial operations at the landfill.

The adoption of the proposed rule would require the department to establish state-imposed standards for the level of financial assurance that is adequate to cover the anticipated costs of closure of the landfill and post-closure care of a municipal solid waste landfill. If a municipal solid waste landfill chooses to use a surety bond as its method of financial assurance, the proposal would further require the department to review these bonds to determine if they are sufficient to meet the department-determined cost of closure of the landfill and post-closure care.

The City of Henderson is located in Mills County. A private municipal solid waste landfill, Loess Hills Regional Landfill, currently operates in Mills County. Mayor Harbor and the signers of the Petition for Rulemaking contend that the surety bonds currently in place to provide financial assurance for this private landfill are inadequate to provide for the closure and post-closure care of this landfill. Under current rules the department does not make an independent determination in regard to the adequacy of the financial assurance instruments. The Petitioners are requesting the adoption of the proposed subrule so that the adequacy of the surety bonds of the Loess Hills Regional Landfill, and all other municipal solid waste landfills in Iowa, will be reviewed by the Department.

**DEPARTMENT RESPONSE*****Legal Background***

Iowa Code section 455B.304(8) requires, in part, that the commission adopt rules, which establish financial assurance standards and requirements and which establish minimum levels of financial responsibility for sanitary disposal projects. In order to meet this statutory requirement, the department has adopted 567 IAC Chapter 111. Chapter 111 is based upon rules adopted by the U.S. Environmental Protection Agency and published on October 9, 1991. The U.S. EPA determined that a self-implementing approach was the best means to provide for financial assurance for closure and post-closure of municipal solid waste landfills. Pursuant to this approach, Chapter 111 requires municipal solid waste landfill operators and owners to have a third party determine the costs of closure and post-closure care and notify the department that they have sufficient financial assurance in place to satisfy the third-party estimate. The rule does not require state review of cost estimates. Instead, the minimum standard for financial assurance is set on a case by case basis, based upon the actual estimated disposal cost as determined by a third party.

**Department's Intended Action**

The department agrees that a rule revision addressing the Petitioners' concerns is appropriate. The department intends to revise Chapter 111 to provide for the department's review of all forms of financial assurance, not just surety bonds. In addition, the department expects to adopt other rule revisions that will address additional concerns raised by the Petition for Rule Making that would not be addressed by the proposed new subrule. Additional rule changes are necessary, including rules to provide for notification to the State before cancellation of a surety bond in order to allow for the State to pursue forfeiture of the surety bond if necessary.

The development of state-imposed minimum standards will require the development and review of technical and financial data. Once the state has determined standard costs for closure and post-closure, formulas must be developed to relate these standardized costs to the tonnage capacity of a particular landfill and to forecast the future costs dependent on the number of years to expected closure. These determinations will require additional staff training, the hiring of new staff, or the department contracting with other public or private entities. A decision must be made whether different standards are appropriate for private and public landfills based upon the differing levels of risk of non-existence of the owner or operator at the time of closure.

The department is currently reviewing and revising all of its administrative rules pursuant to the request of the Governor. The department has prioritized these rule revisions. Pursuant to the department's prioritization, the revision of Chapter 111 is anticipated to occur in 2001 with publication of proposed rules anticipated for the fall of 2001. The adoption of the requested rule at this time would require a re-prioritization of the rules review project.

The department must also, prior to adopting state-imposed standards for financial assurance, determine what liability may or may not be created for the department in the event that the department's determination of the cost of closure and post-closure is erroneous, thereby causing an inability to meet closure and post-closure standards despite reliance on the state's approval of the financial assurance amounts.

**Conclusion**

The department acknowledges that the proposed subrule would decrease the risk that a surety bond is inadequate to provide closure and post-closure care of a municipal solid waste landfill.

The department has begun the initial stages of rule development in this area. For the reasons stated above the revision of 567 IAC Chapter 111 requires additional time before completion.

For the above-stated reasons, the department declines to initiate rulemaking proceedings on this subject at this time, but will engage in a more in-depth consideration of the issues involved and intends to present proposed rules revisions to the Commission in 2001.

A copy of the petition and subsequent correspondence is on file in the Department of Natural Resources Records Center.

Mike Valde distributed a letter he received from Hubert Houser supporting the petition for rule making submitted by residents of Mills County.

Liz Christiansen said the Department is requesting that the Commission approve the proposed temporary denial of the petition for rulemaking for the reason stated in the Public Participation portion of the meeting, which she briefly reviewed.

She said the gathering of funds for the purpose of closure and post closure and the remedial activities or operations regarding sanitary landfills is a very serious issue. One that the Department recognizes as being a major concern for the City of Henderson but is also a concern for every landfill operating in the state. It is important that we make sound, prudent determinations when it comes to crafting this language.

Liz Christiansen said her primary concern is that the Department provides for representation from landfills both public and private on an input committee to help to review and revise these rules. She said she does appreciate the comments that the Mayor and Supervisor and Chairperson have made.

She said the Department will likely contract out for the financial review services unless they can hire new staff, which is not likely to happen. She believed the Department had access through the Small Business Development Center for assistance for this purpose.

She again cautioned the Commission that it was important for the Department to determine their liability may or may not be created by this review process.

Lengthy discussion followed.

*Motion was made by Darrell Hanson to table this Petition for Rulemaking until the November meeting to allow staff to investigate enforcement actions. Seconded by Rozanne King. Motion carried unanimously.*

**TABLED FOR 30 DAYS.**

James Braun said as the Department moves forward in trying to develop more of a comprehensive plan, they should keep in mind often times it costs more to do it right the first time but it costs a lot more to fix it later. Somehow a plan needs to be developed where we pay a little more today but we do not have to pay a lot thirty years from now to clean up the mess because we have not done it right.

**NOTICE OF INTENDED ACTION – PROPOSED RESCISSION OF CHAPTERS 101 AND 109 AND ESTABLISHMENT OF A NEW CHAPTER 101: SOLID WASTE COMPREHENSIVE PLANNING.**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to rescind chapters 101, “General Requirements Relating to Solid Waste Management and Disposal,” and 109, “Fees for Disposal of Solid Waste at Sanitary Landfills,” and approve a new chapter 101, “Solid Waste Comprehensive Planning Requirements”. In accordance with the Governor’s Executive Order No. 8, DNR is reviewing its administrative rules to ensure that “they meet standards of need, reasonableness, effectiveness, clarity, fairness, stakeholder involvement and consistency with legislative intent and statutory authority.” As part of this process and as a result of extensive stakeholder input, the comprehensive planning unit is revising chapters 101 and 109. Chapter 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," is being incorporated into chapter 101.

Staff worked with stakeholders for a year as part of the DNR strategic planning process to streamline and update the comprehensive planning process. The proposed changes are the outcome of this process. Along with the rule revision, the guidance document, “Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems,” has also been revised. The new revisions reflect the changes in the rules and provide assistance in filing comprehensive plans, including an online submittal system. The online submittal process will enable stakeholders to file a portion of the comprehensive plan online. That data will then assist in building a database that will enable WMAD staff to better plan for future solid waste concerns.

Highlights of the rule revision include:

- Chapter 109 has been incorporated into chapter 101.
- Rules have been clarified
- A new guidance has been developed to assist stakeholders in submitting comprehensive plans.

**ENVIRONMENTAL PROTECTION COMMISSION****Notice of Intended Action**

Pursuant to Iowa Code sections 455B.304, 455B.306 and 455D.7, the Environmental Protection Commission hereby gives Notice of Intended Action to rescind Chapters 101, “General Requirements Relating to Solid Waste Management and Disposal,” and 109 “Fees for Disposal of Solid Waste at Sanitary Landfills,” Iowa Administrative Code and create new Chapter 101, “Solid Waste Comprehensive Planning Requirements.”

The proposed rescission and new chapter revises the rules pertaining to solid waste comprehensive planning. These rules have been updated and streamlined to the benefit of the public. Chapter 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," has been incorporated into new

chapter 101. The guidance document, "Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems." which provides additional assistance to those filing comprehensive plans, has also been updated. This document was developed in 1990 and revised in 1994. Changes have been made to the guidance document to update and clarify planning requirements and to streamline plan submittal the process. Draft copies of both the proposed rules and the guidance document are available either online from the Waste Management Assistance Division Web site, <http://www.state.ia.us/dnr/organiza/wmad> or in hard copy by contacting Jane Mild or Laura Juliano, Waste Management Assistance Division, Iowa Department of Natural Resources by telephone at (515) 281-5105 or (515) 281-8946 respectively.

Any interested party may make written suggestions or comments to the rules or the accompanying guidance document proposed in this Notice of Intended Action prior to December 8, 2000. Such written comments should be directed to Jane Mild or Laura Juliano, Waste Management Assistance Division; Iowa Department of Natural Resources; Wallace State Office Building; Des Moines, Iowa; 50319-0034; FAX (515) 281-8895. Persons who wish to convey their views orally should contact Jane Mild or Laura Juliano, Waste Management Assistance Division, or at offices on the fifth floor of the Wallace State Office Building; Des Moines, Iowa.

A public hearing will be held on Friday, December 8, 2000 from 1:30PM - 4:30PM via ICN; originating in the IDED building, Grand Street, Des Moines, Iowa, at which time persons may present their views wither orally or in writing. Sites to participate in the public hearing via ICN are: Dubuque-Stout Public Library, Clear Lake AEA, Spencer High School, Fort Dodge High School, Iowa City Public Library and in Ottumwa at Indian Hills Community College. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

These amendments are intended to implement Iowa Code sections 455B.304 and 455B.306 and Iowa Code chapter 455D.

(A copy of the Iowa Administrative Code Comprehensive Planning Rules is available in the Departments record center.)

Liz Christiansen explained the proposed rule change. She said the staff had worked on this project for over a year but it has resulted in a streamlining of the rules with good clarification and a new guidance document. She said the proposed revision of the rules and the proposed guidance document, are available on the Departments Web Site.

Discussion followed regarding the fifty cent retained fees is mentioned in the new Chapter 101

Tina Mowry, Metro Waste Authority, which operates the landfill for Polk County, said she wanted to say that it was not so much that people are not setting money aside for closure post closure, because it is a requirement that all landfills have to meet currently. The issue is that no one knows how much needs to be set aside, so landfills are setting money aside that they think will be adequate but no one really has a handle on how much it is going to take to maintain a landfill for thirty years after it closes. This may be something that needs to be researched so that information can be provided to the landfill operators. She said it is important to keep in mind that landfills have a board of directors and as soon as the surrounding communities see any funds begin to build up in reserve, those communities begin to lobby for funding for projects they feel are more important or have a higher priority than post closure. She said it would be helpful for the EPC to say that the money is set aside for a very important reason. She asked the Commission to keep in mind that if we raise the tipping fee for any reason we will see more waste leaving the state, and that all of the recycling and waste reduction programs are currently paid for through our tipping fees at landfills.

Don Brantz asked the Commission to look at item 'f' under the Fee Schedule section of the proposed change, which says forty-five cents of the tonnage fees, shall be retained by the sanitary landfill operator. He said he thinks the language should be looked at because their association is doing the recycling and writing the plan but there is no money to fund these efforts. He said the DNR allowed this landfill facility to go more than a year with a bond amount of zero, it then went to 640,000, and when Mills County Landfill Association filed a lawsuit it was raised to 1.2 million. The trust established by Douglas County in Omaha is up to 9,000,000, which are funds that cannot be touched.

Kathryn Murphy asked if this would be coming back as a decision item next month since it is informational this month.

Liz Christiansen amended the item to show it is a decision item.

*Motion was made by Kathryn Murphy to approve the Notice of Intended Action. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS AMENDED.**

## **PUBLIC PARTICIPATION - CONTINUED**

### **Terry Zeien**

Terry Zeien, Owner, J & R's Appliance Disposal said five years ago it was requested that they open a store in Iowa. They chose Wilton, Iowa because the store was relatively close to a scrap yard that they had a contract with at the time. They have been very frustrated in the almost six years they have been operating because of rule 118 being vague and out of date and only dealing with a certain percentage of the pollutants that are in appliances. He said the time line for the revision of rule 118 is very critical because a year and a half from now this store will no longer be in Iowa, they will not be able to survive that long. In the last few years they have lost well over

\$100,000. For their company to stay in Iowa, radical changes need to be made a little quicker. He said sometimes it works better to steal ideas. In Minnesota, they had the same problem that Iowa is seeing now, they addressed it by putting together a task force, a small group that made recommendations and then brought it to the Commission, they basically adopted all of the Federal Rules and added some that worked for them. He suggested that the Department put together a task force of five or six people to develop a package that works.

## **CONTRACT APPROVAL – WASTE TIRE COMPLIANCE ASSISTANCE AND ABATEMENT PROJECTS**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

### **Project Overviews**

The Commission is requested to approve three (3) contracts for the dismantling of nuisance waste tire stockpiles. Two of the contracts are zero-interest loans to businesses so that they can complete the removal of excess waste tires stored on their properties, and one contract will allow the Department to hire a firm to clean up another nuisance stockpile site.

These contracts implement the goal of Iowa Administrative Code Chapter 218, “Waste Tire Stockpile Abatement Program,” to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through awarding of contracts by the department.

Project descriptions are as follows:

### **Waste Tire Processors, LLC - \$75,000 Zero-Interest Loan**

Waste Tire Processors (WTP) received a permit from this Department in 1997 to operate a waste tire processing facility in Charles City. Mr. Don Hess, Mason City, is the president of the company. WTP produced “tire bales”, which were composed of 80-100 tires compressed into a rectangular, bale form. The firm planned to market these bales to farmers and construction firms for use in erosion control projects. Markets did not mature as they anticipated, and by 1999 WTP closed its doors. Approximately 100,000 waste tires are currently stored at the site. The property is rented by WTP.

WTP has made ongoing, but limited, progress in moving the bales off the site. WTP has requested a \$75,000 loan, so they may rapidly solve the compliance issue by hiring a capable firm to remove and process the tires. WTP will then not have to continue to pay ongoing monthly rent simply for tire storage. The loan will be paid back in equal monthly installments, with complete repayment by June of 2002.

Additional loan guarantee will be provided by Mason City Recycling Center Ltd.; Mr. Dean Hess is president of the Mason City Recycling Center, and is also the son of WTP’s president, Don Hess. The Recycling Center has operated successfully for almost 20 years; during this time the Recycling Center has received loan and grant contracts through the Department’s former Landfill Alternatives Financial Assistance (LAFA) program. All goals of these previous contracts have been successfully implemented, and all loan payments have been made in full.

Waste Tire Processors has elected to work with Greenman Technologies of Minnesota to complete

removal of the tires bales, as they have the capabilities to complete the cleanup within a 30 day period. All tires removed will be processed into tire-derived fuel for delivery and use by Holnam Cement of Mason City.

### **Interstate Tire Company, Inc. - \$140,000 Zero-Interest Loan**

For over twenty years Interstate Tire Company has operated a semi-truck tire recapping facility near Atlantic on Hwy. 71, just south of Interstate 80. During this time the firm has accumulated more than 35,000 semi-truck tires in an outside storage lot. The tires had been stored for anticipated recapping or resale, but the owner now realizes the tires are unsuitable for reuse, and must be disposed of.

Staff from the Department's Compliance and Enforcement Bureau have also expressed concern with the environmental risk that the tires present, and in 1999 the field office requested the owner to take action to begin removing the waste tires, as well as to provide a better management plan for newly generated waste tires at the site.

While Interstate Tire has made gradual progress with cleanup, at their current rate it will be more than two years before cleanup is complete. Interstate Tire would like to expand its business, but the environmental and economic liability of the stored tires has prevented them from receiving needed investments. Mr. Gregory Redshaw, Vice-President of Interstate Tire, has requested a loan in the amount of \$140,000 to allow the firm to completely remove the tires. The loan will be paid back in equal monthly installments, with complete repayment by June of 2002.

UT Tire Recyclers of Des Moines would remove the tires. UT anticipates completion of the cleanup within 90 days. The tires would be processed into tire-derived fuel for Holnam Cement, or into tire shreds for use in the construction of landfill leachate collection systems.

### **Lansing Stockpile, Allamakee County - \$54,425 Abatement Contract**

The Commission is requested to approve a contract for an estimated value of \$54,425 to Greenman Technologies, Savage, Minnesota, for the removal of 50,000 tires from a rural area near Lansing, in Allamakee County.

The tires were stockpiled as the result of two failed businesses that operated on the property. The site owner, Mr. James Bjorensen, has agreed to pay a \$5,000 cost-share to the Department toward the cleanup. Cedar Valley Tire Recyclers, which operated on the site for a short time in 1999, has also agreed to pay \$3,000 to the cost of the cleanup.

The cleanup would be completed within a one-week period, on or before November 1, 2000.

### **Bid Selection Process for Lansing Stockpile**

The Waste Management Assistance Division issued a notice of request for proposals (RFPs) in September of 2000 to solicit services from qualified firms for this stockpile abatement project. The following seven (7) firms were notified:

- Central States Tire Recycling – Sioux City, IA
- Corell Contractors, West Des Moines, IA
- EnTire Recycling, Nebraska City, NE
- Greenman Technologies of Minnesota - Savage, MN
- Tri-Rinse Environmental - St. Louis, MO



- UT Tire Recyclers - Des Moines, IA
- Waste Management of Wisconsin, Berlin, WI

**Selected Bidder**

Two firms submitted proposals: Greenman Technologies and UT Tire Recyclers. The proposals were reviewed and scored by two Department staff, and a third reviewer from the Department of Economic Development. The Department recommends selection of Greenman Technologies' bid based upon their high score average of 89 points.

**BID SUMMARIES**

<b>FIRM</b>	<b>PRICE PER TON</b>	<b>REVIEW SCORE</b>	<b>PROPOSED SCHEDULE</b>
<b>Greenman Technologies</b>	<b>\$108.85</b>	<b>89</b>	<b>One-week</b>
<b>UT Tire Recyclers</b>	<b>\$125.00</b>	<b>59</b>	<b>30 days</b>

The Department anticipates bringing further stockpile abatement contracts to the Commission within the next few months.

Liz Christiansen explained the separate contracts.

Terry Townsend asked whether Interstate Tire would have any future regulation over how many tires they can accumulate since they have chosen to stay in business.

Mel Pins said Interstate Tire was a recapping business that has been in business for over 20 years. They fell into some difficulties where they were not taking care of the bad tires but they are looking to expand their business, which they cannot do unless they take care of the current problems. If we can give them the loan there are some conditions that they have to follow that limits their storage of any waste tires and will be put on a regular pick up route for those tires. The Department is also looking into limiting their storage of retreadable tires.

Rita Venner asked if the Waste Tire Processors would be doing something different than bailing those tires.

Mel Pins said they would be closing the facility due to it not making a profit.

*Motion was made by Rozanne King to approve the contracts as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **INCREASE STATE PURCHASES OF ENVIRONMENTALLY PREFERABLE PRODUCTS – MEMORANDUM OF AGREEMENT APPROVAL**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to enter into a memorandum of agreement with the Iowa Department of General Services to hire an environmental purchasing agent to increase state purchases of environmentally preferable products. The memorandum of agreement will not exceed \$60,000.

### **Background**

The Iowa Department of General Services is responsible for the bidding, contracting and purchasing of millions of dollars of products for all state agencies, excluding the Department of Transportation. These products range from office products and tires to building materials.

Iowa has made great strides in the area of buying recycled and "green" purchasing. Representatives from the Department of General Services and the Department of Natural Resources were personally invited to attend the Government to Government Smart Green Purchasing Conference at the White House in July 2000 because of the great potential this program has to increase the purchase of environmentally preferable products.

One of the best ways to maintain, expand and implement new recycling programs in Iowa is to increase the demand for recycled-content products thereby increasing the market value for commodities collected through recycling programs. By placing an environmental purchasing agent in the Department of General Services, a focused and dedicated effort will be placed on the expansion of the quantities and types of environmentally preferable products purchased (including products with recycled content). Environmentally preferable products, as defined by Presidential Executive Order 13101 are products that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

### **Duties of the Purchasing Agent**

1. Research historical purchase data, similar programs in other jurisdictions and the private sector, and determine through consultation and review of agencies' procurement plans the commodity and material categories which offer the most opportunity for increasing usage of recycled content.
2. Through market research and consultation with vendors, find environmentally preferable products (EPP) commodities. Review current commodity and material specifications for opportunities to increase the usage of recycled content. Prepare specifications that reflect higher recycled content usage for items in common use within State government. Arrange suitable product tests or pilot projects to determine the capability of EPP as compared to current products.
3. Develop a database of EPP vendors. Assist EPP vendors to compete successfully within the State government marketplace. Work with engineers, architects and purchasing staff in DGS, DOT, Regents institutions and other State agencies to insure that EPP specifications are appropriately included in procurement requirements.

4. Promote EPP within State and local government, schools, and similar institutions through fact sheets, a Web site and demonstration products.
5. Track the acquisition of EPP by State agencies. Prepare a quarterly and annual report on work performed and accomplishments and lessons learned. Closely coordinate the development of these responsibilities with the IDNR. Include a report on the EPP program as part of the recycled content report to the General Assembly by February 1st as required under Section 18.18.
6. Prepare and maintain, on a continuous basis, an analysis that reports savings created by the EPP purchasing agent both in initial purchase decisions and through a product's life cycle. It is the intent of both parties that this analysis be used to support continuation of this program.

This endeavor will not solely benefit the state agencies of Iowa. Most Department of General Services contracts for product purchases allow political subdivisions such as cities, counties, and schools to purchase from those contracts for the same price. In effect, the purchasing agent will be able to leverage the purchasing power of the state of Iowa to assist local governments and schools to purchase recycled content and environmentally preferable products for less.

The pursuit and implementation of a recycled product purchasing official in the Department of General Services is a priority action recommended by our stakeholders during the development of the solid waste management strategic plan for the state of Iowa developed earlier this year. A representative from each the Department of General Services and the Department of Natural Resources were invited to attend the Government to Government Smart Green Purchasing Conference at the White House in July 2000.

The DNR and DGS agree to cooperatively seek internal funds and additional grant funds to continue the work described in this agreement in fiscal years 2002 and 2003. DGS agrees to contribute DGS indirect support.

### **Purchasing Agent Performance Evaluation**

The purchasing agent will prepare and maintain, on a continuous basis, an analysis that reports savings created by the EPP purchasing agent both in initial purchase decisions and through a product's life cycle. It is the intent of DNR and DGS that this analysis be used to support continuation of this program. The purchasing agent will track the acquisition of EPP by State agencies and prepare a quarterly and annual report on work performed and accomplishments and lessons learned. A report on the EPP program will be provided as part of a recycled content purchasing report to the General Assembly by February 1<sup>st</sup>.

### **Supporting Agencies:**

Iowa Department of Natural Resources

Iowa Department of General Services

Strategic Plan Stakeholder/Advisory Committee (a partial list of the stakeholders follows)

Iowa Society of Solid Waste Operations

Iowa Recycling Association

League of Cities

Iowa Association of Business and Industry

Metro Waste Authority

Iowa Association of Counties

Waste Management of Iowa, Inc.

Iowa Waste Reduction Center  
Iowa Sierra Club  
United States Environmental Protection Agency  
Scott Area Solid Waste Management Commission

At this time, the Commission is requested to approve the Department entering into a memorandum of agreement with the Iowa Department of General Services to hire an environmental purchasing agent to increase state purchases of environmentally preferable products.

Liz Christiansen explained the item and introduced Stan Kuhn, Head of Purchasing, General Services and Merry Rankin, Environmental Specialist, Waste Management Division, who distributed a fact sheet regarding the Presidential Executive Order and Governor's Executive Order, which requires the State of Iowa pursue recycled content materials. Liz Christiansen said the Department of General Services currently purchases approximately 110 million dollars worth of products, through approximately 900 different contracts for the purchase of products or commodities. However only about 20% of the office products purchased by the State contain recycled content. She explained this Memorandum of Agreement is for funding for a staff person to fill the position of Green Buyer in the Department of General Services. This person will be responsible for researching historical purchase data, meeting with vendors, compiling information about vendors, developing a data base of vendors, promoting environmental purchasing not only in State Government but among the schools and institutions that purchase off the State contract, tracking the acquisition of these products and giving an evaluation of them on a regular basis and reporting on cost savings.

Stan Kuhn thanked the Commission for the opportunity to consider their proposal. He said the Department of General Services had the Full Time Employee allotted but no money to pay for it. While they have been doing some interesting things with recycled content purchasing there is a strong feeling from both General Services and Natural Resources that they can do more. The purchasing department is generally in a reactive mode, which does not allow for time to research the alternatives. With the green buyer they hope to do more in the terms of strategic buying for the State, and get out of the reactive mode and into a proactive mode.

<i>Motion was made by Lisa Davis Cook to approve the Memorandum of Agreement. Seconded by Randal Giannetto. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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## **PRESENTATION: TIRE PILE CLEANUP PROGRESS**

Mel Pins, Environmental Specialist, Waste Management Assistance Division, presented the following item.

In conjunction with the agenda decision item for tire cleanup contracts, an overview and update on other related waste tire program activities was planned. Through projector slides and video, the following topics were covered:

Ervin Stockpile Progress - With over 75% of the stockpile removed (over 1.5 million tires), aerial photos and video tape will be used to show the Commission the substantial impact and progress

that the cleanup activities have made on the site near Otho, in Webster County. Methods used for loading, hauling, and recycling the tires from the stockpile will be illustrated.

Planned Abatement Projects - The commission will be provided with maps and tables that illustrate the quantity of tires that remain to be cleaned up, in association with the number of individual stockpiles that remain. Notations will also be made on the number of sites already cleaned up through Department contracts and coordination.

Questions and Issues - Any questions or issues from the Commission related to waste tire management in Iowa will also be addressed.

Liz Christiansen said that Commissioner King had requested an update on the progress of cleaning-up some of these piles. She said Mel Pins had a video to present to the commission showing the progress of the Ervin Pile, but before he presented it she wanted to introduce Doctor Russell Currier, State Health Veterinarian and Environmental Epidemiologist, with whom the Department worked on the Grell tire pile issue.

Mel Pins distributed an update on the tire abatement program for the number of sites that the Department has on the books and the progress with the cleanup to date. The Department has completed the cleanup of over 3.5 million tires at several sites in Iowa. He said of those sites, several were the notorious or long standing piles, some of which were thirty years old. There are four sites in progress now. Most of the remaining tire piles are smaller ones. Their plans are to divide the state into four parts and issue four bids for regional clean up of the smaller piles. The two remaining large piles that represent over a million tires will be contracted separately.

Kathryn Murphy asked if the Department had become aware of more sites since the legislature appropriated the money for this cleanup.

Mel Pins said they originally knew of sixty sites in 1996 and they now have eighty-three on the books. He said, just last week, he received a report of another site that was thirty years old. He then showed and explained the video.

Mel Pins said Dr Currier would brief the Commission on the concerns for the Grell tire pile.

Dr. Russell Currier said there had been a number of nuisance complaints from citizens about mosquitoes in the area and they thought it would be important to get a profile of the mosquitoes in the area. They put out eleven live traps, and caught 1583 mosquitoes in one night. Over half of those caught were the vector mosquito capable of carrying LaCrosse Encephalitis and the West Nile Virus. Therefore they felt it was a semi-emergency that needed to be taken care of right away and encouraged the City of Fort Dodge and the DNR to think about some collaboration to spray this pile. It was done through a process called adulticiding, which is like the aerial spraying done in Des Moines. This however only gives a couple of weeks of relief. This was done twice with some difficulty getting access to the facility, however the long-term solution would be to treat the tires with a larvaecide, which would provide a whole season of relief. He said there was only one company that has no equal in mosquito control, Clark Mosquito Control Company out of Chicago, and he strongly suggested that the DNR use them because they had experience with tire piles.

Over a two-day period in October the tire pile was treated with ground up corn cobs treated with the larvacide. He said Mr. Grell was reasonably cooperative in this effort.

<b>INFORMATION ONLY</b>
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**PRESENTATION: SAFE CHEMICAL MANAGEMENT FOR SCHOOLS PILOT PROJECT**

Jennifer Ryan, Solid Waste Planner, East Central Iowa Council of Governments (ECICOG), presented the following item.

The ECICOG received a \$80,000 Solid Waste Alternatives Program grant to fund a pilot project to reduce hazardous chemicals in area schools.

Jennifer Ryan, ECICOG, Solid Waste Planner, will present the results of the pilot project and describe the chemical management model developed through this project.

Jennifer Ryan said she would like to thank the Commission on the behalf of the Safe Chemical Management for Schools Task Force for the opportunity to do this pilot project. She said her goal today is to explain the project results and to describe the issues of chemicals in schools. As background Jennifer Ryan said, the Iowa Waste Exchange representative in her area started receiving a lot of requests from schools to assist them with the disposal of chemicals. Currently schools are not typically served by existing assistance programs.

When the Waste Exchange representative went into the school to do an assessment she found a large container, approximately five pounds, of arsenic in the hallway propping open a door. There was also five pounds of metallic sodium, which is a shock sensitive substance. This brought together a group of people that have worked together for the past two years on this issue.

The goal for this group was to use the funding from the grant approved by the Commission to develop a model that would comprehensively deal with chemicals in schools and could be replicated. They assisted four districts, which included six high school buildings. They hired Pointer Environmental, as a consultant, to go into the schools and do a comprehensive school by school inventory. The consultant then brought in the Chemis group, which is a national program funding by the United States Fire Administration to do a training workshop. They ultimately hired Clean Harbor Services; a Chicago based chemical management company to dispose of these items safely.

Jennifer Ryan said this pilot program found large amounts of unwanted and surplus chemicals and some hazardous materials in schools. The risk of exposure is school wide, not just in chemistry. They found that schools in general want to manage these chemicals safely but lack the tools to be able to do it. There are few policies in place guiding the purchasing, storing, and disposal of chemicals.

She said the State of Vermont has done a major cleanup of chemicals in schools after a student brought a handful of mercury to school for show and tell. He was playing with it in the bathroom with his friends when he clapped his hands together spraying liquid mercury everywhere. The

Administrator evacuated the school, which effectively contaminated the rest of the school, the school buses, and the children's homes. The school was then responsible for a multimillion-dollar cleanup.

She said lack of training and lack of teacher education contributes to the problem, because new teachers are not trained in chemical safety. She said their contractor came upon a ceramics teacher who had some powdered glazes with metallic content, when asked for the material safety data sheets, which are required by OSHA, the teacher said she had a masters in ceramic so she did not need to keep them.

Jennifer Ryan said overall lack of time and money has contributed to this problem, however ECICOG has learned some valuable lessons for when they take this model statewide. They have learned that up-front involvement of teachers and administrators will be critical to find a way to keep the training ongoing. Schools need to implement chemical management policies.

She showed the slides from the pilot project to the Commission and explained their findings. Pointer Environmental entered 7000 records from these four school districts.

She said they have a little of the money from the original grant left over that they will use to assist additional schools. It is their hope that by doing these presentations it will raise the awareness about the issue and to find the funding to take this project statewide.

<b>INFORMATION ONLY</b>
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### **AGREEMENT WITH THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the agreement between the Department and the Iowa Department of Economic Development (IDED). This agreement establishes the Small Business Liaison for Air Quality (SBLAQ), which is the ombudsman component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

SBLAQ serves as a non-regulatory contact for Iowa small businesses seeking information and assistance related to fulfilling their air quality responsibilities; mediates concerns between Iowa's small businesses and the Department; and evaluates air quality regulations for adverse impact on small businesses and ensures that they are understandable. SBLAQ also facilitates communications through a web site and workshops.

The agreement is for the period of July 1, 2000 through June 30, 2001. This is a variable cost agreement not to exceed \$119,487, funded through the air contaminant fund as required by the federal Clean Air Act. The contract budget represents a nearly \$40,000 increase above the previous year's budget due primarily to the addition of a "Needs Assessment" that SBLAQ will perform during the agreement term. The Needs Assessment will assist SBLAQ in identifying the best outreach practices to reach small businesses and to identify specific technical assistance needs

for small businesses impacted by air quality regulations. These will provide significant guidance for future efforts of SBLAQ.

(A copy of the Memorandum of Agreement between Iowa Department of Natural Resources and Iowa Department of Economic Development is available in the Department's record center.)

Mike Valde explained the agreement and said it was a renewal of the contract from last year, however there were a few changes including an increase of \$40,000.

*Motion was made by Randal Giannetto to approve the agreement. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**ADOPTED AND FILED EMERGENCY WITH NOTICE OF INTENDED ACTION – CHAPTER 60 – SCOPE OF TITLE DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 – EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 – MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial dischargers. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater dischargers.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards which need to be changed to remain current with federal regulations. Within the last year, effluent standards were adopted for landfills, transportation equipment cleaning, and commercial hazardous waste combustors. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2000. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods which must be used by wastewater discharges to remain current with federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pretreatment standards by reference, without public notice, is specifically provided for by rule 62.2 (455B) and Iowa Code section 17A.4(1). Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public



participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

#### ENVIRONMENTAL PROTECTION COMMISSION

Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and Chapter 63, Monitoring, Analytical and Reporting Requirements, Iowa Administrative Code.

The purpose of these amendments is to update references to federal effluent and pretreatment standards and associated analytical methods. References to federal effluent and pretreatment standards found in rules 62.4(455B) and 62.5(455B) are amended to reflect updates to 40 Code of Federal Regulations (CFR). The change to rule 60.2(455B) updates the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2000. The change to subrule 63.1(1) updates the reference to the latest federally approved methods for the analysis of wastewater samples.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 62.2(455B), the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The Commission found that public participation is unnecessary since the Commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued approval of the Environmental Protection Agency (EPA) of the Department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the enumerated promulgated federal standards. The Commission also found that public participation is unnecessary when updating the reference to approved methods for analysis because these methods are required by EPA to be used to implement federal effluent and pretreatment standards.

The Commission adopted these amendments on October 16, 2000. These amendments will become effective on December 6, 2000.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendments are adopted:

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**ITEM 1.** Amend rule 567--60.2 (455B), definition of "Act," to read as follows:

"Act" means the Federal Water Pollution Control Act as amended through July 1, ~~1999~~ 2000 33 U.S.C. §1251 et seq.

**ITEM 2.** Amend rule 567--62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1999~~ 2000 are applicable to the following categories:

**ITEM 3.** Amend subrule 567—62.4(37) to read as follows:

62.4(37) ~~Water supply point source category.~~ Centralized waste treatment point source category. Reserved.

**ITEM 4.** Amend subrule 567—62.4(41) to read as follows:

62.4(41) ~~Transportation point source category.~~ Industrial laundries point source category. Reserved.

**ITEM 5.** Amend subrule 567—62.4(42) to read as follows:

62.4(42) ~~Fish hatcheries and farms point source category.~~ Reserved. Transportation equipment cleaning point source category. The following is adopted by reference: 40 CFR part 442.

**ITEM 6.** Amend subrule 567—62.4(44) to read as follows:

62.4(44) ~~Autos and other laundries point source category.~~ Reserved. Waste combustors point source category. The following is adopted by reference: 40 CFR part 444.

**ITEM 7.** Amend subrule 567—62.4(44) to read as follows:

62.4(45) ~~Converted paper products point source category.~~ Reserved. Landfills point source category. The following is adopted by reference: 40 CFR part 445.

**ITEM 8.** Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1999~~ 2000.

**ITEM 9.** Amend subrule 567--63.1(1) paragraph *a* to read as follows:

567--63.1(1)*a*. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136 revised as of July 1, ~~1999~~ 2000.

Mike Valde said the Department annually brings the updates for the Clean Water Act regulations for new source performance standards for treatment requirements and wastewater rules. This essentially will update rules to change the year from 1999 to 2000. The rules that the Department adopts by reference are updated as well as the standards that labs apply for doing tests. He said there was a special rule that specifies that the Commission can adopt these rules without prior notice and notice of

intended action because in order to maintain primacy the Department must be at least as stringent as the Federal requirements and under our code we can be no more stringent than the federal requirements, therefore the Department adopts the federal requirements verbatim.

*Motion was made by James Braun to adopt the rule change as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED.**

## **2001 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA – WATER AND LAND QUALITY**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the FFY 2001 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services for the Department's water and land quality programs. A separate agreement covers air quality related monitoring and analytical services. The agreement includes ambient water quality monitoring and reporting; compliance sampling of waste water treatment plants, analyses of field samples, water supply monitoring and reporting; analytical work related to the underground storage tank and uncontrolled sites programs; and provisions for a volunteer water quality monitoring coordinator.

The primary difference between the 2000 agreement and the 2001 agreement is further expansion of ambient water quality monitoring program and an increased level of effort for volunteer monitoring. Water quality monitoring upstream and downstream of selected cities is being expanded because of increasing public interest in the impact of urban areas on Iowa streams and rivers. Additional funds will also be used to expand the IOWATER program by increasing the program staff and adding new training modules to enhance the citizen monitoring program.

The amount of the agreement is estimated at \$1,581,032. Attached is a summary of the projected costs broken down by program areas. The agreement amount reflects UHL's best estimate of their actual costs plus the University's indirect cost rate of 8%. The funds for the agreement will come from various EPA grants, fees paid to the Department, and infrastructure funds provided to the Department by the 2000 General Assembly. Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by such agencies.

### **ESTIMATED UHL AGREEMENT BUDGET – FFY01**

<b>DESCRIPTION</b>	<b>FIXED PAYMENT AGREEMENT AMOUNT *</b>	<b>VARIABLE PAYMENT AGREEMENT ESTIMATE **</b>
<b>Water Quality Monitoring</b> (Article 3.1)		
Fixed Monitoring	611,894	106,740

DESCRIPTION	FIXED PAYMENT AGREEMENT AMOUNT *	VARIABLE PAYMENT AGREEMENT ESTIMATE **
Equipment (not incl. in indirect cost)	10,000	
Biological Monitoring of Monthly Sites	10,436	12,000
Compliance Sampling Inspections (CSI)	53,248	
Field Support Sample Analysis	66,680	
Fish Kill Sample Analysis		3,000
Emergency Response	15,600	
Fish Tissue Monitoring		1,000
Ecoregion/biocriteria stream sampling		172,730
Storm Water Runoff Sampling		5,000
Subtotal	<b>767,858</b>	<b>300,470</b>
<b>Water Supply Monitoring</b> (Article 3.2)		
Monitoring for Compliance		5,600
Monitoring for Technical Assistance		4,000
Reporting UHL analytical data	38,628	
Reporting non-UHL analytical data	31,604	
Subtotal	<b>70,232</b>	<b>9,600</b>
<b>Leaking Underground Storage Tanks</b> (Article 3.3)		<b>20,000</b>
<b>Waste Monitoring</b> (Article 3.4)		<b>70,000</b>
<b>Information and Education</b> (Article 3.5)		<b>220,000</b>
<b>Waste Management Assistance</b> (Article 3.6)	<b>6,500</b>	
Indirect Cost (8%)	66,767	49,606
<b>TOTAL OF COLUMNS</b>	<b>911,357</b>	<b>669,676</b>
<b>TOTAL AGREEMENT AMOUNT</b>	<b>1,581,033</b>	

\* The amounts in this column will be divided up into four quarterly payments. They are not expected to change during the contract period.

\*\* The amounts in this column are to be billed to the Department on a monthly or quarterly basis. The total amount may be less depending on the work completed. These are only estimates of the final values.

Mike Valde explained the contract.

*Motion was made by Randal Giannetto to approve the contract as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE – CHAPTER 65, ANIMAL FEEDING OPERATIONS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action that puts forth conceptual issues for possible revision of the rules relating to confinement feeding operations. The Commission requested this action following discussion of a Petition for Rulemaking on similar topics at its June 2000 meeting. The basic thrust of the proposal is how and whether to obtain prior notice and pre-construction review of CFOs that are not required to obtain a permit, but are required to submit a manure management plan. The item is more fully explained in the attached draft Notice of Intended Action. Further direction from the Commission on the content of this Notice and the extent of public hearings is requested.

Mike Valde said in June there had been a petition for rulemaking that was brought to the Commission having been signed by 16 Legislators. The Commission then asked the Department to take the issue to the ACCO group for comment and bring it back in September with recommendations. In September there had been no formal input from the ACCO group because the issue was tabled. The Commission then asked the Department to draft a notice of intended action, which says the Department is accepting comments on these subjects.

Discussion followed regarding the specific requirements under the current rule.

Chris Gruenhagen from Farm Bureau said they support the submission of Manure Management Plans prior to construction however they did not support requiring approval as a regulatory act. She sat in on the last ACCO meeting, and their official position at this point was to ask the Department to seek a legal opinion as to whether or not the Department has the legal authority under the statutes to do this.

Discussion followed regarding Farm Bureau's opinion of the proposed rule.

Michael Murphy said he believed that the Department did in fact have the legal authority to require the Manure Management Plans be approved prior to the construction of the animal feeding facility.

Kathryn Murphy said she would like the Commission to recommend that the public hearings be held throughout the State of Iowa as opposed to having them only in the Des Moines area.

*Motion was made by Kathryn Murphy to approve the Notice of Intended Action with four to six hearings held statewide in different geographical areas. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED.**

**MONTHLY REPORTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Contested Case Status Report

Rulemaking Status Report  
October 1, 2000

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	ARC #	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 22 - 25 - Air Quality Program Rules	5/15/00	6/14/00	9985A	7/11/00	7/20/00	7/28/00	*11/20/00	*11/20/00	*12/13/00		*1/08/00	*1/17/00
2. Ch. 40, 41, 42, 43, 81, 83 - Water Supply, Operator Certification and Environmental Lab Certification	5/15/00	6/14/00	9888A	7/11/00	7/6, 7/7, 7/14, 7/18 7/19/00	7/26/00	9/18/00	9/18/00	*10/18/00		*11/06/00	*11/24/00
3. Ch. 60, 62 and 63 - WQ Pretreatment Standard							10/16/00	*10/16/00	*11/15/00		*12/11/00	*10/27/00
4. Ch. 61 - WQ Standards	4/17/00	5/17/00	9839A	6/13/00	6/08, 6/12, 6/15, 6/16/00	6/30/00	9/18/00	9/18/00	*10/18/00		*11/06/00	*11/24/00
5. Ch. 64 - Wastewater Construction and Operation Permits	7/17/00	8/09/00	0052B	9/12/00	9/01/00	9/01/00	*11/20/00	*11/20/00	*12/13/00		*1/10/01	*1/17/01
6. Ch. 65 - Animal Feeding Operations	10/16/00	*11/15/00		*12/11/00			*2/19/00	*2/19/00	*3/19/00		*4/09/00	*4/22/00
7. Ch. 93 - On-Site Wastewater Treatment State Revolving Fund	6/19/00	9/20/00	0136B	10/09/00	10/11-13 17-19/00	*10/24/00	*11/20/00	*11/20/00	*12/13/00		*1/10/01	*1/17/01
8. Ch. 101 - Solid Waste Comprehensive Planning	10/16/00	*11/15/00		*12/11/00			*2/19/00	*2/19/00	*3/19/00		*4/09/00	*4/22/00

Monthly Variance Report  
September, 2000

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Bil Mar Foods of Iowa-Storm Lake	Air Quality	Kirk Dunbar-Bil Mar Foods of Iowa	Permit Requirements	Approved	09/13/00
2	BP Amoco-Council Bluffs, Iowa Terminal	Air Quality		Permit Requirements	Approved	09/21/00
3	IBP, Inc.-Perry, Iowa Facility	Air Quality		Permit Requirements	Approved	09/19/00
4	Koch Pipeline Company LP-Cherokee, Keokuk, Kossuth, & Lee Counties	Air Quality		Permit Requirements	Approved	09/14/00
5	Monarch Manufacturing Co.-Dallas County	Air Quality		Permit Requirements	Approved	09/20/00
6	West Central Cooperative-Adair, Iowa Facility	Air Quality		Permit Requirements	Approved	09/19/00
7	East Fork Grand River Watershed-Site A-51-Ringgold County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	09/13/00

8	West Fork Big Creek Watershed-Sites B-1, B-23, B-28-Ringgold County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	09/13/00
9	Iowa Falls, City of	Watersupply Construction	Fox Engineering	Siting Criteria	Approved	09/08/00

During the period September 1, 2000, through September 30, 2000, 80 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other
October	62 (50)	6 (7)	48 (25)	5 (14)	32 (24)	23 (18)	1 (2)	2 (0)	0 (0)	4 (6)
November	64 (56)	10 (7)	38 (35)	15 (7)	26 (25)	30 (28)	1 (2)	3 (0)	1 (0)	3 (1)
December	67 (35)	10 (4)	40 (20)	17 (7)	23 (12)	34 (18)	1 (2)	4 (0)	0 (0)	5 (3)
January	41 (39)	4 (0)	27 (18)	9 (8)	13 (7)	24 (30)	1 (0)	0 (0)	0 (0)	3 (2)
February	65 (54)	3 (3)	32 (28)	30 (9)	14 (22)	48 (29)	0 (1)	0 (0)	1 (0)	2 (2)
March	96 (56)	20 (10)	64 (33)	12 (5)	43 (24)	45 (24)	2 (1)	0 (0)	0 (0)	6 (7)
April	112 (81)	39 (23)	42 (37)	31 (8)	38 (40)	63 (36)	0 (1)	0 (0)	3 (0)	8 (4)
May	97 (88)	25 (33)	59 (42)	13 (5)	38 (47)	53 (32)	0 (3)	2 (0)	0 (0)	4 (6)
June	96 (79)	11 (20)	62 (46)	23 (2)	27 (37)	59 (37)	1 (3)	0 (0)	0 (0)	9 (2)
July	99 (74)	4 (8)	76 (47)	19 (7)	21 (28)	66 (41)	3 (2)	5 (0)	2 (0)	2 (3)
August	74 (64)	4 (4)	56 (48)	14 (5)	20 (17)	48 (43)	0 (2)	1 (0)	0 (0)	5 (2)
September	80 (52)	1 (11)	65 (35)	14 (2)	21 (28)	51 (20)	1 (2)	0 (0)	0 (0)	7 (2)
<b>Total</b>	<b>953 (728)</b>	<b>137 (130)</b>	<b>609 (414)</b>	<b>202 (79)</b>	<b>316 (311)</b>	<b>544 (356)</b>	<b>11 (21)</b>	<b>17 (0)</b>	<b>7 (0)</b>	<b>58 (40)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
10	7	4	13	23	23

During the period September 1, 2000, through September 30, 2000, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	6 (0)	0 (0)	3 (0)	2 (0)	1 (0)	6 (0)	0 (0)	0 (0)	0 (0)	2 (0)
November	4 (0)	0 (0)	2 (0)	1 (0)	1 (0)	3 (0)	1 (0)	0 (0)	0 (0)	0 (0)
December	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)

January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	2 (0)	0 (0)	2 (0)	0 (0)	0 (0)	2 (0)	0 (0)	0 (0)	0 (0)	1 (0)
August	3 (0)	2 (0)	1 (0)	0 (0)	0 (0)	3 (0)	0 (0)	0 (0)	0 (0)	3 (0)
September	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	1 (0)
<b>Total</b>	<b>22 (0)</b>	<b>2 (0)</b>	<b>13 (0)</b>	<b>5 (0)</b>	<b>0 (0)</b>	<b>18 (0)</b>	<b>4 (0)</b>	<b>0 (0)</b>	<b>0 (0)</b>	<b>9 (0)</b>

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	1	0	0	0	1

**Enforcement Report Update**

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Salem Lutheran Church, Correctionville (3)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$500	9/1/00
Curries Company, Mason City (2)	Air Quality	Operational Violations	Order/Penalty \$1,000	9/5/00
CGB Printing Company a/k/a Rock Communications, Newton (5)	Air Quality	Emission Standards	Consent Amendment	9/5/00
Linwood Mining & Minerals Corp., Buffalo (6)	Air Quality	Operational Violations	Order/Penalty \$10,000	9/5/00
Krajicek, Inc. d/b/a Krajicek Brothers; Sara and Leonard Krajicek, Harrison Co. (4)	Air Quality	Open Burning	Order/Penalty \$10,000	9/5/00
Timberline Golf Course, Peosta (1)	Drinking Water	Operational Violations; MCL – Bacteria	Order	9/5/00
Duane Crees, Muscatine Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,160	9/5/00
Sutcliffe Store & Tavern, Lisbon (6)	Drinking Water	MCL – Bacteria	Order	9/5/00
Sylvan Acres, Janesville (7)	Drinking Water	MCL – Bacteria; Public Notice	Order	9/5/00
Diamond Oil Co., Inc., Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$4,000	9/5/00
Sully Transport, Inc., Sully (5)	Underground Tank	Illegal Deposit	Order/Penalty \$3,000	9/5/00
MidAmerican Energy Co., Red Oak (6)	Air Quality	Asbestos	Order/Penalty \$3,000	9/13/00



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CMT Enterprise, Red Oak (6)	Air Quality	Asbestos	Order/Penalty \$3,000	9/13/00
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation, Manning (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$7,500	9/13/00
Lester Holmes; Todd Holmes, Williamson (5)	Air Quality	Open Burning	Referred to AG	9/18/00
J.W. Ready Mix and Construction, Inc., Fort Dodge (2)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	9/19/00
Snap-On Tools Company, Algona (2)	Air Quality	Construction Without Permit	Consent Amendment	9/19/00
Lindahl & Sons Salvage, Sac Co. (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	9/29/00

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	8,830	6-05-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,000	11-01-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
James Harter (Fairfield)	WW	1,800	1-29-00
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Jerry L. Roney (Huxley)	UT	2,000	3-25-00
D/S Land Company, L.C. d/b/a The Outer Edge (Mason City)	WS	300	4-25-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Weber Construction, Inc. (Cascade)	AQ	4,000	5-26-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
The Barn (Sherrill)	WS	1,000	6-06-00
Country Hills Water Corporation (Peosta)	WS	500	6-12-00
Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
Wendy Oaks Mobile Home Park (Cedar Rapids)	WS	400	6-20-00
* Scott Paulson (Forest City)	AQ/SW	250	7-01-00

* Steven Reimers (Schaller)	AQ/SW	1,210	9-01-00
Western Iowa Limestone, Inc. (Logan)	AQ	500	7-14-00
Iowa Waste Systems, Inc.	SW	7,500	7-15-00
* Ben Haven Mobile Home Park	WS	100	10-01-00
* R.V. Hopkins, Inc. (Davenport)	AQ	4,200	10-16-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
Kathy's Korner (Dewar)	WS	500	9-06-00
Larrabee, City of	WS	250	9-11-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
# Sparboe Iowa Corporation (Franklin Co.)	AFO	3,000	10-14-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
Mill Creek Highlands Development L.C.; Clinton Engineering Co., Inc. (Clinton Co.)	WW	10,000	10-16-00
Casey's General Stores, Inc. (Waukee)	UT	3,800	11-05-00
All-States Quality Foods, L.P. (Charles City)	WW	10,000	11-05-00
Charles City, City of	WW	5,000	11-06-00
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000	11-06-00
Black Hawk County Sanitary Landfill	SW	8,000	11-06-00
Diamond Oil Company, Inc. (Des Moines)	UT	4,000	11-07-00
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	10,000	11-07-00
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000	11-07-00
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000	11-07-00
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000	11-07-00
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000	11-10-00
Duane Crees (Muscatine Co.)	AQ/SW	1,160	11-10-00
Sully Transport, Inc. (Sully)	UT	3,000	11-11-00
Salem Lutheran Church (Correctionville)	WS	500	11-13-00
MidAmerican Energy Company (Red Oak)	AQ	3,000	11-14-00
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation (Manning)	AQ/SW	7,500	11-15-00
CMT Enterprise	AQ	3,000	11-17-00
J.W. Ready Mix and Construction, Inc. (Ft. Dodge)	AQ	1,000	11-22-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Curries Company (Mason City)	AQ	1,000	----
Winter Mobile Home Park (Chickasaw Co.)	WS	2,500	----
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	----
<b>TOTAL</b>		<b>251,150</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95

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Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.,; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	2,250	2-11-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,450	10-15-00
<b>TOTAL</b>		<b>151,254</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
Tom Wiseman (Sheffield)	UT	3,500
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)(8LT088)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500

Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Muscatine County Sanitary Landfill	SW	10,000
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	3,000
Fernald Water System	WS	10,000
Sac County Golf and Country Club (Wall Lake)	WS	3,000
Michael Roberts (Page Co.)	AQ	1,500
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	6,500
Oakview Construction, Inc. (Red Oak)	AQ/SW	2,000
Omaha Cold Storage Terminals, Inc. (Ft. Dodge)	WW	1,500
Edward Degeus (Britt)	AQ	3,000
Aaron Berry (Pottawattamie Co.)	AQ/SW	1,500
Pine Creek Par 31 Golf Course (Mason City)	WS	1,250

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Dave Thompson (Hancock Co.)	SW	2,000
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000
New Virginia Sanitary District (New Virginia)	WW	5,000
Meadowknolls Addition (Linn Co.)	WS	1,500
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
Delaware County Conservation Board	WS	1,000
LT Tap (Waucoma)	WS	500
IBP, Inc. (Columbus Junction)	SW	1,000
Iowa State University Heating Plant (Ames)	AQ	1,000
Iowa Air National Guard – 185 <sup>th</sup> Fighter Wing (Sioux City)	AQ	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Winter Mobile Home Park (New Hampton)	WS	1,000
John Deere Waterloo Works – DDS (Waterloo)	AQ	7,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Alta Vista Property Owners Assn. (Ames)	WS	1,000
Top of Iowa Cooperative (Hanlontown)	AQ	3,000
Bettendorf, City of	WW	1,000
Quality Mat Co., Inc. (Waterloo)	AQ	8,500
Ajinomoto USA (Eddyville)	AQ	4,000
Millersburg, City of	WS	3,000
Featherlite, Inc. (Cresco)	AQ	8,000
Boondocks Truck Haven (Williams)	WS	2,750
Speltz Elevator Inc. (Worth Co.)	WW	3,000
Malvern, City of	WW	5,000
# Dan Witt (Clinton Co.)	AFO	3,000
Prairie Village Mobile Home Park (Booneville)	WS	250
Houghton, City of	SW	2,000
Shell Rock Products, Inc. (Milford)	AQ	10,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
Food Waste Solutions LLC (Anamosa)	WS	2,500
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Agri Grain Marketing (Dubuque)	AQ	3,000
Envirobest, Inc. (Ft. Dodge)	AQ	3,000
Riley Industrial Painting, Inc. (Burlington)	AQ	10,000
Kinderland, Inc. (Dubuque)	WS	1,500
<b>TOTAL</b>		<b>436,050</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Ainsworth, City of	WW	500
Gomaco Corporation (Ida Grove)	AQ	5,000
# Boomsma's, Inc. (Hardin Co.)	AFO	6,000

Fort Dodge, City of	WS	2,000
* Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	50
Makada Homeowners Association (Iowa City)	WS	250
Heinz U.S.A. (Muscatine)	AQ	5,000
BTR Sealing Systems North America (Keokuk)	AQ	5,000
Snap-On Tools Company (Algona)	AQ	500
* Holland Contracting Corp. (Forest City) PAID IN FULL	AQ	500
Burlington Northern Santa Fe Railroad (Burlington)	AQ	4,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
* Steven Reimers (Schaller)	AQ/SW	215
* Ben Haven Mobile Home Park	WS	50
<b>TOTAL</b>		<b>29,565</b>

The Following SEP payments were made last month:

Kind and Knox Gelatine (Sioux City)	WW	28,800
Gary Frana (Winneshiek Co.)	AFO	500

Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed Trial Date	3/15/99 9/13/99 2/26/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/20/00 4/19/00
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Pen alty	Referred Petition Filed Trial Date	5/29/96 6/05/98 12/20/00
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer	7/17/00 8/07/00 8/15/00
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	10/18/99 03/17/00
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) <b>UPDATED</b>	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing Ruling for State Notice of Appeal Dismissed	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99 11/18/99 12/07/99 8/24/00

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Guardian Industries Corp. DeWitt (6)	Air Quality	Operation Permit; Standards; Operational Violations	Without Emission	Referred to Attorney General	Referred	4/17/00
Hawkins, Ralene d/b/a R.J. Express Salvage and Demolition Burlington (6)	Solid Waste	Illegal Disposal		Order/Penalty	Referred	4/17/00
Holmes, Lester; Todd Holmes Williamson (5) <b>NEW</b>	Air Quality	Open Burning		Order/Penalty	Referred	9/18/00
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions		Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment		Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5) <b>UPDATED</b>	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP		Referred to Attorney General	Referred Petition Filled	4/17/00 9/27/00
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment		Order/Penalty	Referred Petition Filed	10/18/99 8/01/00
Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. (4)	Animal Feeding Operation	Prohibited Discharge; Failure to Retain		Referred to Attorney General	Referred	4/17/00
Keokuk Ferro-Sil, Inc. Keokuk (6)	Air Quality	Operation Permit	Without	Referred to Attorney General	Referred	5/15/00
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs		Referred to Attorney General	Referred	5/17/99
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal		Order/Penalty	Referred	4/17/99
Lehigh Portland Cement Co.		Construction	Without	Referred to	Referred	8/17/98

Mason City (2)	Air Quality	Permit	Attorney General	Petition Filed Trial Date	11/05/99 4/09/01
Martinez, Vincent d/b/a Martinez Sewer Service Davenport <b>UPDATED</b>	(6) Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction) Closed	2/17/92 12/21/92 10/11/94 10/02/00
Mills County Landfill Assn. & Remont County Landfill Assn. Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed Petitioner's Motion for Summary Judgment State's Resistance Hearing Trial Date	11/05/99 11/29/99 6/15/00 7/19/00 8/17/00 10/23/00
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00
Organic Technologies; Tim Danley; Ken Renfrow Warren Co. (5)	Solid Waste Wastewater	Compliance Schedule; Cover Violations; Discharge Limits; Operation Violations	Order/Penalty	Referred	7/17/00
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6)	Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred Petition Filed	3/20/00 8/01/00
Phillips, Jeff; Phillips Recycling Story Co. (5) <b>UPDATED</b>	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred Petition Filed	8/16/99 9/12/00
Sharkey, Dennis J., Sr. Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/17/00
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Pen	Referred	6/21/99



alty

White, Robert Jeff  
White, Dave  
Dallas Center (5)

Air Quality;  
Solid Waste      Open Burning;  
Illegal Disposal

Order/Pen  
alty

Referred      4/20/98  
Petition Filed      2/05/99  
Dismissed      9/24/99  
Without      11/15/99  
Prejudice      12/06/99  
Petition Against  
Dave White Filed  
Answer Filed

Wunschel Oil Co.; Vernus  
Wunschel  
and Jaquelyn Wunschel  
Battle Creek (3)

Underground  
Tank      Site Assessment

Referred to  
Attorney  
General

Referred      1/17/95  
Motion for      8/28/96  
Judgment      12/13/96  
Consent Decree      3/30/98  
(\$6,400/Admin.)      9/01/00  
Referred  
Petition Filed

Wunschel Oil Co.; Vernus  
Wunschel  
and Jaquelyn Wunschel  
Ida Grove (3)

Hazardous  
Condition      Site Access; Other

Referred to  
Attorney  
General

Referred      6/19/00  
Petition Filed      9/01/00

Zook, Russell d/b/a Haskins  
Recycling  
Ainsworth  
**UPDATED**

(6)

Air Quality  
Solid Waste      Open Burning;  
Illegal Disposal

Order/Pen  
alty

Referred      5/17/99  
Petition Filed      9/12/00

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Murphy	Settlement offer to be renewed 3/00.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Closure permit amendment #2 issued 4/26/00. Closure certification expected by end of 2000.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Murphy	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	<b>DNR engineers reviewing documents. Closure permit issued 1/10/00. Closure to be completed by 9/1/01.</b>
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin. Order	UT	Wornson	Revised Tier 2 approved. CADR due 6/2/00. CADR overdue, working with responsible party. Upon CADR proposal approval, dismiss appeal.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Tier 1 completed – awaiting DNR review.

8/29/94	B and B Tire and Oil (8LT088)	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	<b>Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 - Letter to attorney regarding setting appeal for hearing. 3/23/00 - Response received from attorney regarding appeal. 9/18/00 - Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan.</b>
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	<b>2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 - Report on compliance requested from FO and WW staff. 2/2/00 - Permit to be issued to facility. 6/29/00 - Status report on permit requested from WW permit staff. 9/00 - Per WW permit staff, company's engineer to submit further information prior to issuance of permit.</b>
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	<b>Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96. 12/28/99 Dept. letter to facility attorney regarding setting appeal for hearing and also resolution of the appeal. 1/24/00 - Letter from WW attorney concerning settlement. Additional time requested to resolve issues raised by appeal. 2/22/00 Dept. response to attorney regarding hearing. 2/25/00 - Sent to DIA to be set for hearing. 3/8/00 - Hearing set for 5/19/00. Petition filed with DIA. 3/28/00. 4/17/00 - Answer filed with DIA. 5/11/00 - Settled. New permit to be issued by 9/1/00 following submittal of further information by company and issuance of draft permit. Hearing continued to 9/25/00. 7/17/00 Information received from company including sample locations. 7/28/00 - Revised permit drafted and mailed in accordance with settlement offer. 8/12/00 - Draft permit put out on public notice. Final permit to be issued in 9/00 which will resolve appeal. 9/18/00 - Final permit issued resolving all issues in appeal. 9/22/00 - ALJ issued dismissal order. Closed.</b>
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 - Initial remedial measures completed. Final treatment system currently being designed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	<b>WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 - Revised WLA and permit limits sent to facility. 1/26/00 - Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 - Follow-up letter to City regarding construction schedule. 3/20/00 - Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 - Discussion with City attorney regarding City's schedule. 6/14/00 - Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 - Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 - Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report.</b>
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 - Report on compliance requested from FO. 2/7/00 - Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 - Letter to attorney concerning appeal resolution. 3/17/00 - Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 - Status report on compliance requested from FO 6. 2/2/00 - Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 - Follow-up letter to attorney. 4/21/00 - Contact by new City attorney. City will consider settlement offer at 5/8/00 City

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						Council meeting and respond by 5/20/00.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	<b>Compliance inspection scheduled for 9/27/00.</b>
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	<b>Sent to DIA to be set for hearing.</b>
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 - Response received from WQ engineer. Staff reviewing for decision.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	6/15/00 - Settlement status letter to appellant. 8/4/00 - Appellant response - being reviewed by Dept. staff.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 - Appeal to be closed. New owner.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/01/97	<b>Dodger Enterprises Co., Tire Chop Division; Donald Grell</b>	2	<b>Admin. Order</b>	<b>SW</b>	<b>Murphy</b>	<b>Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99. Dismissed 8/24/00. Closed.</b>
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Brabec	8/31/00 - Negotiations continue.
12/12/97	<b>Donald E. Grell; Dodger Enterprises, Tire Chop Division</b>	2	<b>Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit</b>	<b>SW</b>	<b>Murphy</b>	<b>Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99. Dismissed 8/24/00. Closed.</b>
1/13/98	<b>DeCoster Farms of Iowa (Nursery #8) (Wright Co.)</b>	2	<b>Admin. Order/Penalty</b>	<b>AFO</b>	<b>Clark</b>	<b>6/29/00 - Appeal dismissed. Closed.</b>
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	<b>Status report received from city's consultant. 2/1/00 - Status report on WW compliance requested from FO 3. 2/28/00 - Settlement offer sent to attorney. 3/28/00 - City attorney letter received. 3/29/00 - Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 - Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 - Sent to DIA to be set for hearing. 7/25/00 - DIA set hearing for 9/20/00. 9/11/00 - City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00.</b>
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 - Status report requested of FO. 3/2/00 - Status report received. 4/28/00 - Letter to WS concerning resolution of appeal.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Partial penalty payment received.

10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 – Appellant's attorney requests additional time for expert consultation.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Brabec	8/31/00 – Negotiations continue.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99. Further studies 4/00.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	4/00 – City progressing on facility improvements. Will monitor for progress.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	<b>Hearing continued. Settlement meetings held 9/11, 9/19 and 9/28. Still negotiating.</b>
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	<b>Hearing procedure on hold pending outcome of task force. Settlement meeting held 9/13, 9/21 and 9/27. Settlement closed.</b>
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
5/06/99	Hargrave McElaney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued. 2/2/00 – Dept. to contact WS concerning lead and copper sampling. 3/29/00 – Dept. engineer requested two more rounds of sampling to be conducted by 7/30/00. 5/31/00 – Status report requested from WS section. Per WS section 1 <sup>st</sup> round, 2000 lead and copper samples taken. 7/26/00 – Update requested from WS section engineer. 8/30/00 – Settlement offer sent to WS regarding penalty. Facility has returned to compliance. 9/27/00 – No response from WS; follow-up letter sent.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment received 9/19/00. Closed.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Violations corrected as of 6/20/00. Penalty to be negotiated after closure determination is made in late September.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.

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9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	<b>12/99 – FO and WS tracking compliance. Letter sent 8/14/00 regarding resolution. Response sent 9/7/00; under review by WS.</b>
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting penalty payment.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Settlement letter sent 6/21/00 – payment due 7/24/00.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	7/26/00 – Settled. Awaiting penalty payment.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	<b>Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement closed.</b>
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settlement offer sent 3/22/00.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	<b>1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP.</b>
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	<b>Hearing procedure delayed pending outcome of task force. Settlement meetings held 9/13, 9/21 and 9/27. Settlement close.</b>
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	<b>Meeting held 8/28/00. Still negotiating.</b>
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 5/18/00.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	7/31/00 – Hearing continued. Settlement being discussed.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 3/22/00.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 2/22/00.
<b>1/07/00</b>	<b>Ft. Dodge, City of</b>	<b>2</b>	<b>Admin. Order/Penalty</b>	<b>WS</b>	<b>Murphy</b>	<b>8/18/00 – Settled. Penalty payment received 9/14/00. Closed.</b>
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/13/00	Pine Creek Golf Course	2	Admin. Order/Penalty	WS	Hansen	<b>4/26/00 – Letter to WS concerning required monitoring and public notice. 6/26/00 – Second quarter bacteria sample collected. 7/10/00 –</b>

						<b>Dept. letter requesting 3<sup>rd</sup> quarter bacteria sample and settlement. 8/24/00 – Per discussion with WS, 3<sup>rd</sup> quarter bacteria sample taken; test results to be sent to DNR. 9/25/00 – Facility has returned to compliance; settlement offer sent.</b>
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	Negotiating before filing.
1/21/00	Dave Thompson	2	Admin. Order/Penalty	SW	Tack	Hearing held 5/31/00. Proposed decision issued 8/31/00. Decision affirms Depts. order and penalty.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Settlement discussions held 6/20/00. Proposal to be made by permit applicant.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/10/00	Holland Contracting Corp.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	<b>Settlement offer made 4/13/00. Response due by 6/30/00. 9/25/00 – Sent to DIA.</b>
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
<b>4/05/00</b>	<b>Ainsworth, City of</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>WW</b>	<b>Murphy</b>	<b>Engineering report due 6/4/00. Penalty payment received 9/1/00. Closed.</b>
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Compliance initiated.
4/17/00	Delaware Co. Conservation Board	1	Admin. Order/Penalty	WS	Murphy	Settlement offer sent 7/27/00.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Clean-up to be completed by 9/21/00.
4/28/00	IBP, Inc.	6	Admin. Order/Penalty	SW	Tack	<b>Proposed settlement sent 7/13/00. Consent order issued 9/18/00 resolving appeal. Awaiting penalty payment.</b>
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/11/00	John Deere Waterloo Works – DSS	1	Admin. Order/Penalty	AQ	Brabec	Negotiations continue.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/12/00	Iowa Air National Guard – 185 <sup>th</sup> Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	Negotiations continue.
<b>5/16/00</b>	<b>Heinz USA</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Brabec</b>	<b>Settled. Consent amendment received. Penalty received 9/15/00. Closed.</b>
<b>6/05/00</b>	<b>Burlington Northern Santa Fe Railroad</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Brabec</b>	<b>Settled. Consent amendment received. Penalty received 9/15/00. Closed.</b>
6/06/00	Top of Iowa Cooperative	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.

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6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/09/00	Alta Vista Property Owners Assoc.	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
6/14/00	Bettendorf, City of	6	Admin. Order/Penalty	WW	Hansen	<b>Set for hearing on 11/3/00.</b>
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Brabec	<b>Hearing to be set on penalty offer.</b>
6/16/00	Millersburg, City of	6	Admin. Order/Penalty	WS	Tack	<b>Compliance achieved. Settlement offer made 9/21/00.</b>
<b>6/27/00</b>	<b>GOMACO</b>	<b>3</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Brabec</b>	<b>Settled. Penalty received 9/12/00. Closed,</b>
6/28/00	Speltz Elevator, Inc.	2	Admin. Order/Penalty	WW	Murphy	Settlement offer sent 7/21/00.
6/30/00	Featherlite, Inc.	1	Admin. Order/Penalty	AQ	Brabec	Negotiations continue. Settlement close.
7/10/00	Boondocks Truck Haven Café	5	Admin. Order/Penalty	WS	Hansen	<b>Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed.</b>
7/10/00	Lincoln, City of	5	Admin. Order	WW	Hansen	Negotiating before filing..
7/12/00	Malvern, City of	4	Admin. Order/Penalty	WW	Hansen	<b>Set for hearing 11/6/00. Informal settlement meeting set for 10/12/00.</b>
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/19/00	Prairie Village Mobile Home Park	5	Admin. Order/Penalty	WS	Hansen	<b>6/27/00 – WS has submitted required CCR for 1998 and 1999. 7/26/00 – WS still needs to submit certification and proof of public notice. 9/26/00 – WS has returned to compliance with CCR requirements. Settlement offer sent.</b>
<b>7/28/00</b>	<b>Makada Homeowners Assoc.</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>WS</b>	<b>Clark</b>	<b>8/28/00 – Settlement letter sent. Penalty paid 9/19/00. Closed.</b>
<b>7/31/00</b>	<b>Houghton, City of</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>SW</b>	<b>Tack</b>	<b>Compliance achieved. Settlement offer made 8/16/00. \$500 penalty payment received 9/20/00. Closed.</b>
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
<b>8/01/00</b>	<b>BTR Sealing Systems</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Brabec</b>	<b>Penalty paid 9/19/00. Closed.</b>
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Southeast Iowa CCI (Southland Pork L.C.)	6	Permit Issuance	AFO	Wornson	Negotiating before filing.
8/11/00	Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Pottratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal-Mart)	1	Permit Issuance	FP	Clark	<b>Hearing set for 10/10/00.</b>
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/14/00	AGP Grain Cooperative	2	Admin. Order/Penalty	AQ	Brabec	<b>Settlement close.</b>
8/24/00	Riley Industrial painting	6	Admin. Order/Penalty	AQ	Brabec	<b>Negotiation meeting scheduled for 10/11/00.</b>
8/31/00	Heritage Residence	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	New case.
9/07/00	Iowa City, City of	6	Consent Order	WW	Murphy	New case.
9/08/00	Agri Grain Marketing	1	Admin. Order/Penalty	AQ	Brabec	<b>New case. Negotiation meeting scheduled for 10/19/00.</b>

9/11/00	Q.C. Metallurgical Laboratory, Inc.	6	License Suspension		Wormson	New case.
9/15/00	Food Waste Solutions, LLC	1	Admin. Order/Penalty	WS	Clark	New case.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	New case.

Mike Valde briefed the Commission on the reports. He said the Department should be able to provide the Commission with the reports on Municipal bypasses by November.

Brief discussion followed regarding individual items in the report.

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## **PRESENTATION – RECYCLING AT PUBLIC EVENTS**

Jeff Maxted, Community Education Specialist, Bluestem Solid Waste Agency, presented the following item.

A \$19,935 Solid Waste Alternative Program grant was awarded to the Freedom Festival to establish a recycling project at the 2000 outdoor celebration. Those successes were transferred to the Taste of Iowa, held over Labor Day weekend. Jeff Maxted, Community Education Specialist with Bluestem Solid Waste Agency, will present the results of recycling efforts at the 2000 Freedom Festival (250,000+ in attendance over 13 days) and Taste of Iowa (50,000+ in attendance over 3 days).

Mr. Maxted will also present recommendations for undertaking expanded recycling at the Iowa State Fair.

Liz Christiansen said the Commission gave a grant to the Freedom Festival in the City of Cedar Rapids to undertake expanded recycling at a public event.

Jeff Maxted said Bluestem underwent a new program in the past year called Good Clean Fun. It was originally a way to divert materials from the landfill, which was accomplished but it also turned out to be a great public education tool. Bluestem partnered with three groups, The Freedom Festival, Taste of Iowa, and the Cedar Rapids Kernals to implement some recycling programs at the special events.

He said the reasons behind this program are, special events generate a significant and challenging waste stream. Many of the patrons at these events already have good recycling habits and Bluestem felt it was important to provide an opportunity to recycle at these special events. It provided an opportunity for one on one interaction with thousands of people in a short amount of time. Bluestem also wanted to test the model that had been used as smaller events to see if they would be as effective at fairly large events.

The precedent for this project was the Iowa Festival Recycling Project that was implemented at two festivals in Cedar Falls, these festivals were very small but the recycling projects were very



successful. They located recycling stations throughout the festivals and collected four different categories of materials. Recycling efforts at one of the festivals achieved an 83% divergent. As a result of those projects they produced a handbook that is available through the waste management assistance division called recycling for festivals and special events.

Mr. Maxted said their project took that model for smaller festivals and applied it to large festivals to see how successful it would be. The first festival they worked with was the Freedom Festival 2000. This festival attracts a quarter of a million visitors over 13 days and is always put on around the Fourth of July. It has over one hundred events but this project only focused on the ten events that dealt with food vendors. They also focused on some baseline information as no study had been made as to how much garbage was produced from this festival.

They received the grant from the DNR in January and immediately began planning with the festival staff, food vendors, the haulers, city officials, and end markets even though the festival was not scheduled until June or July. With the grant money the Freedom Festival purchased all of the station supplies as well as biodegradable and recyclable food service items for all of the vendors.

He explained this was a three-year project with a goal of getting the recycling program to a sustainable level. The first year they paid for all of the food service items, the second year the plan is to split the cost, with the vendors paying the full cost in the final year. The vendors were somewhat concerned by this because it was the general impression that the majority of the products would be more expensive if they were to focus on recyclable or compostable items, but this project showed that many of the items they were already using were acceptable.

One item replaced was the plastic cutlery, instead they used cutlery made by a company called Bio-Corp, made from corn, safflower, and cottonseed oil.

The recycling stations were made to be colorful and highly visible. They collected four categories of material, paper and food waste, #1 plastics, deposit containers, and landfill. Volunteers manned each of the stations and directed people to the proper container.

The results varied from event to event but overall they achieved a 60% diversion rate. Most of the garbage that went to the landfill was generated from behind the food vendor's booths, which is something they will focus on in the second year.

Mr. Maxted said the most beneficial part of the project was the tremendous positive response from the public, the volunteers, the festival organizers, and the media.

The Taste of Iowa festival operation was a very similar, although somewhat smaller event hosting approximately 50,000 people over three days however it was a gated event, which gave the festival organizers the ability to require biodegradable and recyclable items. The results at this festival were 36% garbage, with everything else being diverted from the landfill.

The cost of these programs can be expensive when looking at a per ton basis. The cost of the Freedom Festival was a little under \$20,000 this year, which included paying for all of the biodegradable food service items and a lot of first year start up costs. These programs were also very labor intensive.

He said the benefits of these programs are the reinforcement of good recycling habits, opportunity for one on one interaction, less litter on the festival ground, and enhancement of the reputation of the festival sponsors.

Mr. Maxted said he had the opportunity to visit the Iowa State Fair in 2000 and made a couple of observations during one day of the event. There were some recycling bins this year placed around the food vendors, unfortunately the bottles that were in those containers were very contaminated, according to Waste Management, the hauler for State Fair, the fair generated 530 tons of garbage but only 560 pounds of plastic were able to be recycled. He also noticed that there was very little signage provide at the fair, and there was a great deal of corrugated cardboard, which is 100% recyclable, in the dumpsters. On a good note there are recyclable materials in use at the fair, the food vendors are already using things that can be recycled.

He said he had a few recommendations for establishing a recycling program at public events. First start planning early for the following year. Recruit and hire some staff to monitor the program throughout the events. At the minimum, set up opportunity to collect corrugated cardboard, water bottles, and pop bottles, at the maximum, work with the food vendors and establish recycling stations similar to the ones used at the Freedom Festival.

To wrap up, he said a few do's and don'ts of special events recycling are; don't wait until the last minute, don't assume you have support, don't forget about the hauler, and don't leave the stations unattended. Do start early, do communicate as frequently as possible, do secure those end markets, do recruit volunteers, do use available resources, and finally do have fun.

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## **GENERAL DISCUSSION**

Rita Venner said the Commission tabled proposed amendments for chapter 22, 23, 24, and 25 last month, she asked if the Commission needed to anything with them this month.

Mike Valde said he would be bringing it back to the Commission in November.

James Braun said last month he had asked about having Mary Skopec, who had completed a water monitoring project, come and speak to the Commission. He said she had sent him a great deal of information in the mail, but most is not understandable, and he was wondering, if he asked her to write up something in laymen terms, if the Commission would be interested in having her do a presentation the next meeting.

Terry Townsend asked if the Department has seen the results of the study.

Lyle Asell said he would check on the status of the report and if it is at the appropriate stage, would look into having her do a presentation of her report to the Commission.

## **NEXT MEETING DATES**

Terry Townsend announce the next meeting would be held on November 20<sup>th</sup>,

## **ADJOURNMENT**

<i>Motion was made by Darrell Hanson to adjourn. Seconded by Randal Giannetto. Motion carried unanimously.</i>
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With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:05 p.m., Monday, October 16, 2000.

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Lyle W. Asell, Interim Director

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Terrance Townsend, Chair

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Rita Venner, Secretary

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